PAPERS

OF THE

BRITISH SCHOOL AT ROME

Vol. VI.

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PREFACE.

THE present volume of the *Papers of the British School at Rome* maintains the variety in the range of its contents which has been a feature of the former volumes of the series, and indicates the varied character of the activities of the School and its members. The Papers are, so far as possible, arranged in chronological order. First comes an exhaustive description by several writers, the Director of the School, Mr. R. N. Bradley, Mr. T. E. Peet, and Professor N. Tagliaferro, of the results of three campaigns of excavation carried on in successive years in a very public spirited way by the Government of Malta, with the co-operation of members of the School, among the remains of the unique series of megalithic monuments for which the islands are famous. The historical position of the group has been definitely ascertained, and it is to be hoped that the excavations may be continued in the near future.

Next comes Dr. Duncan Mackenzie's important report on the third journey undertaken by him in Sardinia on behalf of the School, in company with Mr. F. G. Newton. Further investigations were made among the nuraghi of the island and the dolmenic tombs associated with them. The third paper, the longest in the volume, breaks entirely new ground. It deals with the administration of the Norman kingdom in Apulia and Capua and is the work of Miss Evelyn Jamison, now librarian

of Lady Margaret Hall. The next three papers, the work of Sir Sidney Colvin, the Assistant Director, and the Director respectively, illustrate the way in which Renaissance drawings, besides their own intrinsic interest, throw light on the antique and on the study made of it by the artists and architects of the period.

The last two papers deal with Englishmen in Rome. Mr. Yeames publishes the description of Rome given by an unknown traveller in 1612, while the Director deals with the well-known Thomas Jenkins, who, with Gavin Hamilton, was responsible for the acquisition of the greater part of the collections of sculpture formed in England in the latter portion of the eighteenth century.

The recently effected reorganisation of the School does not affect the form of the *Papers of the British School at Rome*, which under the terms of the charter are continued as before by the Faculty of Archaeology, History, and Letters. A change has however been made in the method of production, and the Director now performs his editorial duties in concert with a consultative committee of the Faculty.

THOMAS ASHBY,
Director.

June, 1913.

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PAPERS OF THE BRITISH SCHOOL AT ROME
VOL. VI. NO. 1.

EXCAVATIONS IN 1908–11 IN VARIOUS MEGALITHIC BUILDINGS IN MALTA AND GOZO.

BY THOMAS ASHBY, D.LITT., F.S.A., R. N. BRADLEY, B.A., T. E. PEET, B.A., AND N. TAGLIAFERRO, I.S.O.

INTRODUCTION, BY T. ASHBY.

THE present report deals with excavations which have been spread over a considerable period of time, and is the work of various hands. For the greater part of the introduction, and for sections I., III., V., VII., IX. XIII., I am myself responsible; the note on the affinities of the Maltese pottery, and sections II., IV., VI., X., XII., are the work of Mr. T. E. Peet; section VIII. of Professor N. Tagliaferro, I.S.O.; and section XI. of Mr. R. N. Bradley. The difficulties of correcting the MSS. and plans, at some distance of time and space, have not been inconsiderable.

I am in duty bound to express our obligations to the Government of Malta for its kindness in welcoming the co-operation of the School, and for its public spirit in carrying on the excavations at its own expense. Obligations of a more personal nature have also to be recorded—to the past and present Governors of Malta, Lieut.-General Sir H. F. Grant, G.C.V.O., K.C.B., and General Sir H. M. Leslie Rundle, G.C.B., K.C.M.G., G.C.V.O., D.S.O.; to the former Lieut.-Governor, Sir E. M. Merewether, K.C.V.O.,

C.M.G., and most of all to the Hon. E. P. S. Roupell, D.S.O., now Postmaster-General of Malta, for unfailing kindness and assistance in every way.

Prof. T. Zammit, C.M.G., the Curator of the Museum, has throughout taken the warmest interest in the work. His thorough knowledge of the islands has been of the greatest help to us, and we have always been relieved by him of all difficulties of a local nature. Those who know Malta are aware what a debt Maltese archaeology owes both to him and to Professor Tagliaferro, who is also a member of the Museum committee; and both of these gentlemen are among the Associates, *honoris causa*, of the School. The help of Mr. R. N. Bradley and of the Rev. A. W. Dawes, C.F., must also be gratefully acknowledged; and it is fully hoped that the friendly connexion between Malta and the School will be kept up in the future by the continuance of similar researches.

As a field of archaeological investigation, Malta offers special attractions to this School. As the nearest of the few British possessions in the Mediterranean, it is an appropriate outlet for its archaeological energies; and it is fortunate that the Government of Malta, with a public spirit which does it the greatest credit, is active in the investigation of its monuments, and has recently passed a law for their better preservation and protection. Malta has remains of the neolithic, Phoenician, and Roman periods. So far, however, the excavations and researches in which the School has had the advantage of co-operation with the Maltese Government (which has in all cases borne the expense of excavation), have been concerned almost entirely with the first of these.[1]

The island of Malta is about sixteen miles long from N.W. to S.E., and seven or eight miles broad. It is distinctly hilly, and slopes up gradually from the S.E. and E.; thus, Krendi is some 320 feet above sea level, while the highest point of the Bingemma hills rises to 728 feet on the way between Notabile and Bahria; while near the village of Dingli the eleva-

[1] The only good general account of these remains is that of Dr. Albert Mayr (*Die Vorgeschichtlichen Denkmäler von Malta*, in *Abhandlungen der Bayerischen Akademie der Wissenschaften*, Kl.I. vol. xxi. (1901), pp. 647 *sqq.*). It was fully reviewed by Colini in *Bull. Palet. Ital.* xxviii. (1902), 204 *sqq.*; and was translated and amplified in 1908, and privately printed, with the plans, but without the photographs which are given in the original, under the title of the *Prehistoric Remains of Malta* (117 pp.). The paging of the two works is so widely different that they can be, as a rule, cited together without risk of confusion, *e.g.* in footnote 2 of the following page and *passim*. Where a distinction is necessary they are cited as *V.D.* and *P.M.* Dr. Mayr has since published a work of a more general character, *Die Insel Malta in Alterthum* (Munich, 1910), cited as *I.M.*

tion of over 800 feet is reached. The coast is for the most part rocky, but the island has one harbour of the first class—or rather two harbours together, one on each side of the plateau on which Valletta stands—the Grand Harbour on the S.E., and Marsamuscetto on the N.W.; there are also other harbours—Marsa Scirocco, and the smaller Marsa Scala—in the same part of the island; while at the N. end are St. Paul's Bay and the bay of Mellieha, and other smaller bays between them and Marsamuscetto. On the S.W. the coast is mostly steep, except at the N.W. extremity, opposite to the bays just mentioned; but there is possible landing for small boats at various points.

There are three main groups of megalithic buildings belonging to the neolithic period,[1] all in the S.E. half of the island—the three buildings on the hill of Corradino, (the real name is Cortin or Cordin) above the innermost portion of the Grand Harbour, which will be described below, together with the hypogeum of Hal Saflieni, which was approached through a megalithic building, originally standing above the ground level, but now almost entirely destroyed.[2] Hal Saflieni was an enormous ossuary, in which the remains of thousands of persons were deposited.

Then there is the group at the S.E. extremity, near the Bay of Marsa Scirocco—the fortified village, as it seems to be, of Borg-en-Nadur,[3] on a ridge overlooking the bay, and the ruins of S. Maria tal Bakkari, two miles or so to the S.W., and not far from the S. coast of the island, which have not yet been investigated by us.

The third group, the most important, is that formed by Hagiar Kim and Mnaidra, which are situated within a quarter of a mile of one another, to the S.W. of the village of Krendi, not very far from the middle of the S. coast of the island, the former some 400 feet above sea level, the latter about 150 feet lower.

The settlement at Bahria (*Papers* v. 149 *sqq.*) occupies so far a place by itself, though Mr. Peet has picked up pottery of the Bahria type at Borg-en-Nadur, and it has been found at other sites also (*infra*, 126).

[1] It is probable that the neolithic period lasted on relatively late in Malta.

[2] See T. Zammit, *The Hal Saflieni Prehistoric Hypogeum at Casal Paula, Malta*, First Report (Malta, 1910), especially pp. 6, 32; N. Tagliaferro, *The Prehistoric Pottery found in the Hypogeum at Hal Saflieni* in *Annals of Archaeology and Anthropology* (Liverpool), iii. (1910) 1 *sqq.*; Mayr in *Zeitschrift für Ethnologie*, 1908, pp. 536 *sqq.*; T. Zammit, T. E. Peet, and R. N. Bradley, *The Small Objects and the Human Skulls found in the Hal Saflieni Prehistoric Hypogeum*, Second Report (Malta, 1912).

[3] Mayr, 687, 61.

The adjacent island of Gozo has less than half the area of Malta, measuring some eight miles from E. to W., and four and a half miles from N. to S. The highest ground in the island is the hill of Ta Dibiegi, in the W. part (620 feet), but the contours are much more irregular than in Malta, there being many isolated hills separated by deep valleys; while the coast is abrupt almost all round, so that landing places are few, and none of them, except that of Mgiarr on the E., are well protected. There are two main groups of megalithic ruins, both in the eastern half of the island—the northern, formed by the Gigantia and Torri ta Santa Verna, on the hill of Xaghra or Casal Caccia, not far from which is the menhir of Hajra-ta-Sansun, and the southern, composed of the ruins at Xeuchia, with It-Torri-tal-Mramma and Ta-Cenc to the S. of it, and Tal-Kaghan to the N.E. Near Kala, at the eastern extremity of the island, is an isolated menhir called Hajra-wiekfa (Caruana in *Arch. Journal*, liii. (1896) 142). In the western half of the island no such remains have been recorded. Caruana mentions megalithic remains in the valley of S. Dimitri (Mayr, 696, 74) but I have neither seen nor heard of them.

Of the former group, the Gigantia had been already in the main excavated in 1827, and was accurately described by Della Marmora shortly afterwards (*Nouvelles Annales publiées par la section française de l'Institut Archéologique* i. (1836) 1 *sqq.*: the later bibliography is given by Mayr, 647, 4,) but it awaits further study; while Torri ta Santa Verna was cleared last year (*infra*, 105); and Hajra-ta-Sansun is described by Caruana and Mayr (*Archaeol. Journal cit.*, and Pl. ii. Fig. 2; 696, 73). Turning to the latter, It-torri-tal-Mramma and the ruins of Tal-Kaghan are adequately described by Mayr (close to the latter is the stone circle of ta-Mresbiet) though both of them require further investigation; and I think that he is wrong (655, 694; 15, 71) in dividing the remains at Tal-Kaghan into two parts, as it seems to me to be a fortified settlement upon a low hill; but this cannot be determined without excavation.

The remains at Xeuchia have unfortunately been entirely destroyed, and the only record of them is in the late Father E. Magri's report (*Ruins of a Megalithic Temple at Xeuchia* (*Shewkiyah*) *Gozo*, Malta, 1906) and in some photographs preserved at the Valletta Museum. The authorities quoted by Magri show that remains of a megalithic building had been known on the site since the time of Abela (1647) i. 10 § 5: but he was able to find only the floors of two of the chambers, made as usual of fragments

of limestone pounded hard (torba) resting on a layer of small stones, and a considerable quantity of neolithic pottery.

Near It-Torri-tal Mramma are other megalithic remains on the N. edge of the plateau, photographed by Magri, but never properly described, and barely mentioned by Mayr (679, 48). They bear the name of Id-Dura Tax-xaghra il cbira. Further E. are other possible megalithic remains: but the natural rock formation is very deceptive, so that it is not certain whether what seem to be ruins may not be due to nature.

The islet of Comino, situated between the two larger islands, may well have been inhabited in prehistoric times. Some fragments of pottery which had been collected for making *difûn*, or pounded pottery concrete for the flat roofs of houses (a use for which prehistoric pottery is unluckily found to be well adapted, so that it is eagerly collected by the peasants who meet with it in the course of cultivation) brought from there in October 1908, were similar to those found in and about the megalithic buildings of the Maltese group (I think I may safely say that pottery of this period has been collected, without excavation, at all the sites I have mentioned, except at the dolmens). But in the course of a day's digging in June, 1911, when trial trenches were made in various parts of the islet, I was unable to find any such pottery *in situ*, nor traces of huts or buildings of any sort. A burial under the split halves of two amphorae was, however, found in 1912, but this must have belonged to either the Punic or the Roman period (*Annual Report of the Curator of the Valletta Museum*, 1911–2, § 13).

It is important that we should keep before our minds the natural features of the islands in studying the distribution of these megalithic ruins. All are situated on high ground, with an extensive view, in places not too easily accessible against the will of those who occupied them.

What are these buildings, and to what period do they belong? Until quite recently they were attributed to the Phoenicians: but there is now no doubt that they are to be assigned to the end of the neolithic age, or to the very beginning of the 'eneolithic' period or age of metals (cf. p. 3, n. 1). This is clear from the character of the pottery, from the entire absence of metal among the objects which have been found in them, and from their affinities to other structures in the western Mediterranean.

As to their object, they seem to have been in part sanctuaries, in part dwellings, the original portion of the building (where traces of the double

purpose are found) being generally that devoted to sacred uses, so far as we can tell. The Maltese sanctuaries have a very distinct and typical plan, which is seen in its elementary form, twice repeated in each case, at the Gigantia and at Mnaidra.

Two oval areas were constructed side by side: the entrance was in the centre of one of the long sides, and the passage connecting them was placed in the same straight line with it, and so was also the most important niche in the whole building—the Holy of Holies, as it were. The apses were certainly roofed, and it is indeed possible that the whole of the oval areas was covered. Mayr (681, 51) rejects the idea entirely; but Colini (p. 219) does not agree with him. There are other dolmenlike niches in other parts of the building, the coverslabs of which are often supported in the centre by stone pillars, undoubtedly venerated as *baetyli*; such pillars also were often placed in these niches, without actually forming part of their construction, cf. Evans in *J. H. S.* xxi. (1901) 196 *sqq.*; but the characteristic form is not, as he says on p. 198, the pillar tapering towards the base, but rather the pillar which narrows in the centre and widens out again at the extremities. In one case at Mnaidra (*infra*, p. 95 and Fig. 15) the pillar assumes an exceptional form. Imitations of these pillars in terra cotta have been found at Corradino, Hagiar Kim and Mnaidra (*infra*, 51, 89, 103). The form of the niches is possibly derived from the dolmen, the original form of the tombs of the heroes who were worshipped in these sanctuaries: and hence the prominence given to the large coverslabs (Mayr, 684, 58). By a further development of this idea, isolated stone tables were used, it seems, as objects of worship. Such stone tables are found in the Balearic Isles, but are of far larger size—the foot is as much as 2·50 m. high in one case (Bezzenberger, *Vorgeschichtliche Bauwerke der Balearen* in *Zeitschr. f. Ethnologie*, 1907, p. 606).

The window-like openings in vertical slabs, which are met with frequently in these buildings, and often serve to give access from one part to another, are probably dolmenic in origin.

The façade was always curved, and in front of it, as recent excavations have shown, there was an elliptical paved area, delimited by a stone edging curving in the opposite direction.

It will be observed that in the Gigantia the plan which I have described is duplicated—there are two buildings of this nature side by side. Mayr asserts (654, 13) that they were erected at the same time, inasmuch

as they have a common façade, and a common enclosure wall: and this is very likely correct in this particular case.

Hagiar Kim originally, Mayr thinks, consisted of one such building, A and B: at a later period the left hand apse of B was broken through, and the niche at the further end of B opened, and turned into a passage way. To this, he thinks, was added a similar building facing the other way, of which I alone remains, the rest having disappeared in the course of alterations. I shall return to this point later.

In Mnaidra we see a similar plan: but there there is not a common façade, and the difference of date is undoubted, as I shall explain.

The southern building on the hill of Corradino, excavated in 1909, was also, it seems to me, in part a sanctuary, though we do not find the typical arrangement in its entirety; while portions of the building were apparently devoted, at a later period at any rate, to domestic uses, as is shown by the existence of the trough in D (*infra*, 42). We have, however, the curved façade, with its lower part formed of orthostatic slabs, enclosing the paved frontal area, and the dolmenic niches so characteristic of these buildings.

Hal Saflieni, the hypogeum a little to the S.W. of the hill of Corradino, under the village of Casal Paula, occupies a unique position. Above ground there was a megalithic edifice, now unluckily destroyed, though its plan has been in part recovered: this led to a series of underground chambers, partly of a sacred character—note the elaborate architecture, and the imitation of the dolmenic niches and roofed apses of the megalithic buildings—and partly ossuaries. The enormous number of dead buried here is shown by the utter dispersal of the bones, and by the fact that in a cubic meter of earth no less than 119 right and left *patellae* (knee pans) were found, whereas only about twelve bodies could have been placed whole in such a space. We can hardly suppose that this was the only hypogeum of the sort in the island, and one is always on the lookout for another.

Torri ta Santa Verna is so much ruined that its original plan is not easy to make out (*infra*, 106); while It Torri tal Mramma and the two smaller buildings on the Corradino Hill may have wholly or in part served as dwellings.[1]

Though we may well admit that the *baetyli* represented the heroes

[1] For the round towers, cf. *infra*, 123. The age and object of the small bell-shaped pits cut in the rocky shore of the bay of Birzebbugia, not far from Borg-en-Nadur (Mayr 698, 76), must be treated as quite uncertain. Nor has the interesting problem of the age of the cart-ruts which appear on the coast here and there yet been solved (Mayr, 679, 48).

who were worshipped in these sanctuaries, I do not think that it is possible to accept the idea of Evans that these monuments 'served, in part at least, a sepulchral purpose' (p. 200); and Mayr (*P.M.* p. 53 *sqq.*) seems also to be doubtful.

The discovery of a human skull and a few bones at Hagiar Kim proves little, for they seem to belong to a somewhat recent period (*P.M.* p. 56, note*[1]), and I have not detected human remains anywhere[2] except for another recent burial at Corradino (*infra*, 41) and the five burials at Torri ta Santa Verna, which, while apparently belonging to the neolithic age, must be attributed to the latest phase of the existence of the building (*infra*, 110).

Evans wrote, it must be remembered, before the discoveries of the last few years had taught us anything of the mode of burial practised by the race which erected these neolithic monuments.

Prof. Tagliaferro has discovered two isolated dolmens in Malta. One lies to the north of Hagiar Kim, between Siggiewi and Krendi, in a field situated at Misrah Sinjura, on the south of the road between these two places (Pl. I. Fig. 1). 'It consists of a roughly hewn table stone of an average length of 4·30 m., width 3·80 m., and thickness varying from 0·60 to 0·15 m. The huge table stone is supported on three sides at a height of 1·25 m. from the ground by an irregular wall formed of five rows of big unhewn stones.[3] The superposed enclosure is of modern construction.'[4] The other (Pl. I. Fig. 2—Fig. 1 in the text shows the other side of it) is situated 'at a place called Ix-Xaghra ta fuq Wied Fîlep, between Musta and the small church of Santa Margherita, at a distance of about fifty yards from the military

[1] Vance notes (*Archaeologia* xxix. (1842), p. 230) that the bones found in great quantities among the rubbish were of small animals—sheep, lambs, or even birds; there were, however, some belonging to a larger species of carnivorous quadruped, as also a few human remains, but nothing is said as to the situation in which they were found. Furse says (*Transactions of the International Prehistoric Congress of* 1868 *at Norwich*, p. 416): 'It is true that the only human remains found among the ruins of Hagiar Kim were the skull and some of the bones of a skeleton recognised as that of an Ethiopian.'

[2] I have carefully examined, in company with Professor Zammit, the 'small rock chambers hewn in the precipitous sides of a narrow ravine [in the Binjemma hills, close to the church] which resemble very closely both the rock-hewn tombs of S. E. Sicily (Orsi, in *Bull. Paletn. Ital.* xvii. (1891) pp. 59, 71) and those of Chaouach near Medjez el Bab in Tunis,' described by Myres in *Man*, i. (1901) No. 71. I could only find one tomb of this small size, among a group of what seemed to be loculi of the Christian period; nor could I see any remains of prehistoric pottery there, though Myres found some specimens.

[3] Compare the dolmen of Sos Monumentos (*infra*, p. 138).

[4] Tagliaferro in *Daily Malta Chronicle*, 11th March, 1909, p. 2.

road leading from Musta to San Paul ta 't Targia [in the centre of the north-eastern portion of the island. It bears the name of Il ghirna tal Blâta]. . . . It consists of a huge rectangular roughly hewn stone 3·80 m. long, 1·50 m. broad, and of a thickness varying from 0·45 to 0·60 m. It is supported at an average height of 1·58 m. from the ground by four formless rude stones of nearly the same height, three of which are situated at the angular points of the table-stone and the fourth near the middle of its longer side. . . . . The table belongs to a layer of lower limestone 0·60 m. thick overlying the layer of hard stone which forms the bed of the bare plain facing the Musta fort on the opposite side of the ravine. It appears as if it had been a naturally separated portion of the layer mentioned above, displaced a few feet from

FIG. 1.—DOLMEN NEAR MUSTA.

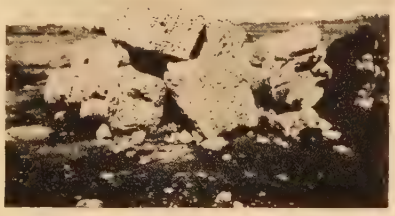


FIG. 2.—DOLMEN NEAR MUSTA.

its original position and raised, by what means it is impossible to guess, to a height of a little more than 1·50 m. above the ground.'

In neither case was there enough earth preserved on the rock to make excavation of any use: but it seems improbable that these dolmens were other than tombs. Prof. Tagliaferro, however, notes that 'rock tombs exist in the vicinity between the dolmen (near Santa Margherita) and the Church, and several other existed on the other side of the ravine, at the place where the Musta fort was built, but were destroyed during the erection of that fort. On the same occasion was also destroyed an important megalithic wall 50 feet long'[1] . . . He also mentions 'another dolmen in the immediate vicinity of the former, but of smaller dimensions and much deteriorated' (Fig. 2).

[1] A model of it was made by Petit-Radel, and is among the models of Cyclopean walls in the Mazarin Library at Paris (Mayr, 696, 73).

In Gozo too, there is a dolmen called Id-Dura tal Mara at Ta-Cenc, near It-torri-tal Mramma, which was seen and photographed by Magri, but is not noticed by Mayr. The cover stone (Fig. 3) measures 2·25 m. by 1·80 by 0·45 thick: the standing stone under the man is 0·90 high.

FIG. 3.—DOLMEN CALLED ID-DURA TAL MARA, GOZO.

The walling of small stones seen to the left is here probably modern, as the orthostatic slabs are preserved almost all round the circuit.

The niches in the megalithic buildings of Id-Dura Tax-xaghra il cbira (Fig. 4) and It-torri-tal-Mramma (Fig. 5) are entirely dolmenic in type.[1] Both these buildings are of a very primitive character, but the pottery

[1] In Fig. 4 the upright stone on the left of the picture is 0·80 m. high, and the slab measures 1·75 m. from front to back, and is 0·43 thick; while in Fig. 5 the slab measures 2·70 m. by 1·50 by 0·30 thick, and the opening under it is 0·80 m. wide and 0·55 m. high; the walling of smaller stones seen on each side of it is probably ancient.

picked up at the latter is of the usual type; while at the former there is no soil, but only the bare rock.

A neolithic 'tomba a pozzo' was found for the first time in Malta in November 1910, in laying water-pipes in a road at Bukana, near Attard, in the centre of the island. It was described by Prof. T. Zammit in the *Times* (13th Dec., 1910) and in the *Annual Report of the Curator of the Valletta Museum* for 1910–11, p. 3; the latter account is reproduced here with some curtailments. Before the discovery was announced, more than one half of the tomb had been destroyed. 'What remained of the tomb was cleared with all possible precaution. The well tomb was bell shaped, beginning in a straight oblong shaft, but becoming wider towards the bottom. The

FIG. 4.—DOLMENIC NICHE, ID-DURA TAX-XAGHRA IL CBIRA.

FIG. 5.—DOLMENIC NICHE, IT-TORRI-TAL-MRAMMA.

length of the tomb, at the bottom, was about 1.50 m. and the depth from the surface of the road about 1 m. The whole cavity was filled with stones and clayey dust, caked hard at the top. Halfway down the shaft, human bones could be seen mixed with stones, and bits of Punic pottery of the ordinary buff colour were extracted from the mass of débris. Evidently in Punic times a burial had taken place at this height, in a tomb already excavated. Under this layer the material was much less compact and had a peculiar appearance. For about 10 cm. from the bottom, a loose mass of bones and soil of a red dark colour, as if soaked in blood, could be seen. This was, in fact, the feature which had attracted the attention of the workmen.

By careful handpicking, human bones and a number of potsherds were extracted, both bones and sherds being deeply stained red. The red

pigment, which proved to be an iron ochre, was intimately mixed with the objects at the bottom of the tomb. The bones were of skeletons of different ages, but their position could in no way be ascertained. A number of fragments covered with pigment were preserved, and three jaws were recovered in a good state of preservation. The pottery is mostly dark grey, but the black and red wares are well represented . . . Twelve different vessels of small size were deposited in this grave. The pots were ornamented with incisions, mostly deep, filled up with a white paste. They recall the neolithic ware of Hal Saflieni in its simple form (see Plates VII. and VIII. of Prof. Tagliaferro's report, published in the *Liverpool Annals of Archaeology*, vol. iii. 1910) . . . Neither flint implements nor small objects of personal ornament, usually found in such tombs, were obtained ; but the neolithic character of the burial is beyond doubt. The peculiarity of this burial in red pigment is of considerable importance, and connects our tomb with similar ones found in Italy and Sicily.'

In March, 1911, a cave was found in a quarry at Bur-meghez, near Mkabba, two or three miles to the N.E. of Hagiar Kim, which was examined by Prof. Tagliaferro. It contained a number (thirty-five at least) of neolithic burials ; the bodies had been covered by flat stones supported at the sides on pebbles ; but the latter had generally given way, so that the flat stones had fallen on and crushed the bodies.

The pottery corresponds with that of the other neolithic monuments of Malta, though some of the forms seem to be new.

A preliminary account of the discovery by Prof. Tagliaferro will be found in *Man*, xi. (1911), No. 92, p. 147 *sqq*. As he there remarks, the excavations made in the cave of Ghar Dalam in 1892 did not go far enough to be conclusive as to whether a human metacarpal bone found there belonged to a burial, though prehistoric pottery was also discovered.

Further researches in the numerous caves in other parts of the island will doubtless lead to more discoveries of this nature ; there is, notably, a cave under the palace of Ghirgenti, between Hagiar Kim and the village of Dingli, in which prehistoric pottery has been found in abundance, and Abela, i. 8 § 36 reports the existence there, on a rock above the fountain, of ' remains of very large stones and antiquities.' This very probably refers to Ghar il Cbir, a series of caves with megalithic ruins above, about half a mile from Ghirghenti. The earlier works on Malta deal briefly with the megalithic remains of the island, but they are valuable almost entirely as records of what has

now disappeared,[1] and they have been superseded by the works of Dr. Albert Mayr, already cited.

The megalithic buildings of Malta, while they to some extent form a class by themselves, have various affinities with other buildings of the same kind in the Mediterranean (Mayr, 709, 94).

Despite what Mackenzie says in *B.S.A.* xiv. 346 *sqq.*, I do not know of any ancient round huts in Malta, though the familiarity of the type in modern times may be an argument for its ancient origin. We see, however, in the great megalithic sanctuaries the combination of orthostatic slabs and ashlar masonry on which he lays such stress[2] (*The Tombs of the Giants and the Nuraghi of Sardinia*, p. 21, reprinted from *Memnon* ii. (1909); *Annual of the Palestine Exploration Fund*, I. (1911) 11), the frontal semicircle, which recurs in many lands—in the horned cairns of Caithness[3] and the long barrows of Wiltshire and Gloucestershire (*Memnon, cit.* p. 29), as well as in the tombs of the giants of Sardinia and in front of the *tholos* at S. Vittoria near Serri (Pettazzoni in *Bull. Pal. Ital.* xxxv. (1909) 171), and the use of single architraves (*ib.* 167).

The circular stone water basin found at S. Vittoria may also be paralleled in Malta (*ib.* 172): and although I cannot agree with Taramelli (*Not. Scavi*, 1911, 301) in seeing any great similarity between the monuments of Malta and the second sanctuary at S. Vittoria, which is a perfectly circular building open to the air, it is to be noted that there was found in it a stone which may have been either a *baetylus* or a monolithic altar, and in either case furnishes an interesting parallel with similiar objects found in the Maltese sanctuaries.

The wider question, as to whether the megalithic monuments were built by a single race, or by a number of entirely different races or peoples, has been much discussed, but no satisfactory answer has yet been found. It is not unlikely that it may be supplied by Italian archaeologists

[1] Abela, *Descrittione di Malta*, 1647 (enlarged edition by Ciantar, *Malta Illustrata*, 1772); Houel, *Voyage pittoresque des isles de Sicile, de Lipari et de Malte*, iv. (1787), pp. 73 *sqq.*; Bres, *Malta Illustrata*, Rome, 1818, p. 136 *sqq.* (who seems to be a mere copyist of Abela); Vassallo, *Dei Monumenti antichi di Malta*, 1876, pp. 9 *sqq.*; Caruana, *Report on the Phoenician and Roman Antiquities of Malta*, 1882, p. 6 *sqq.*; *Frammento critico della storia Fenicio-Cartaginese ecc. delle Isole di Malta*, 1899, pp. 145 *sqq.*; Perrot and Chipiez, *Histoire de l'Art*, iii. p. 292 *sqq.*

[2] For North Africa cf. Pallary, *Instructions pour les recherches préhistoriques dans le N.O. de l'Afrique*, p. 80.

[3] Compare also the East Bennan cairn in Arran (*Proc. Soc. Antiq. Scot.* xliii. (1908–9) 338 *sqq.*, 367) and the fine dolmen of Annaclochmullin in Ireland, now unluckily destroyed (Borlase, *The Dolmens of Ireland*, i. 301, *sqq.*)

in Tripolitania and Cyrenaica. The megalithic monuments of Algeria and Tunisia which have up till now been examined are too recent in date [1] to be of any help to us in deciding whether, assuming a great racial migration which, at the end of the neolithic age carried the megalithic civilisation with it, Mackenzie is right in placing its starting point somewhere in North Africa. See T. E. Peet, *Rough Stone Monuments and their Builders*, London, 1912, and especially pp. 143 *sqq.* It is interesting however to note that Lampedusa, from which in clear weather the north coast of Africa may be seen, has remains of the megalithic period (see my article in *Annals of Archaeology*, iv. (Liverpool, 1911) 11 *sqq.*).

NOTE ON THE AFFINITIES OF THE MALTESE POTTERY.

BY T. E. PEET.

The pottery of the buildings excavated during the last few years enables us to gather some information as to the affinities of the Maltese megalithic civilisation. The question has been dealt with by Mayr,[2] not altogether satisfactorily, as I have attempted to show elsewhere.[3] Led away by the seductive evidence of the incised pottery with white filling in the incisions, he proceeds to find the Maltese pottery similar to almost every Mediterranean ware which has this filling. Hence he is led to quote in comparison eight types of ware [4] which are of the most divergent dates, and have in common little but their white filling. Fortunately for archaeology, however, the criterion he adopts has been abandoned long ago. It has been shown that white-filled ware occurs in places and times so far apart as to render it useless as a test of connection between one place and another.

In any case, previous to the discovery of Bahria,[5] the amount of white-filled or encrusted ware known in Malta was comparatively very small, and the most typical Maltese ware was not white-filled at all, but simply incised (Class G.). It is rather in this ware that we ought to look for comparisons if we wish to find those which are most fundamental and therefore most valuable. And it is, I believe, precisely in this ware that comparisons are to be found.

[1] Gsell, *Mon. Antiques de l'Algérie*, i. p. 36.
[2] *V.D.* 716–7; *P.M.* 103 *sqq*; *I.M.* 50–55; *Zeitschrift für Ethnologie*, 1908, pp. 540–1.
[3] *Papers of the British School at Rome*, v. 144 *seq.*
[4] *I. M.* pp. 52–3. [5] *B.S.R.* v. 149 *seq.*

The wares with which comparisons are to be made occur in Sicily, Sardinia, Spain, the Balearic Islands and elsewhere. At the outset we must determine our criteria. We have to search for a hand-made, hand-polished pottery with incisions, these latter not necessarily white-filled.

But we can go further, for anyone who will closely examine the typical Corradino and Hal Saflieni pottery will notice that there is a tendency to use as the unit of design a band formed by two lines, usually parallel, and often filled up with single hatching or punctures.

Turning to Sicily we find one period where such ornament was usual. It is not the Stentinello period nor yet the Second Siculan period as Mayr suggests, but the so-called Villafrati-Moarda period, which probably intervenes between the Stentinello and the First Siculan periods. Pottery of this period [1] has been found at Villafrati-Moarda, San Cono and Terranova. At Villafrati, for instance, was found a bell-beaker (*Glockenbecher*) with simple band-ornament. Now among the sherds from Hal Saflieni are two which clearly belong to a single vase, though they do not fit together, and that vase was of the bell-beaker type. Round its side ran horizontal incisions, and on the bottom was an incised spiral. The incisions were painted over in red. The importance of this vase cannot be over-estimated. The form occurs in Malta, Sicily, Sardinia, Spain, France, the British Isles, and elsewhere, always about the same period, namely, the very beginning of the age of metals, and almost invariably in connection with megalithic monuments or rock-sepulchres known to be related to them. So far as we know, this type of vase is peculiar to the period in question.

Turning to the newly discovered vases from Terranova in Sicily [2] we find a system of ornament very closely akin to the Maltese. It is clearly a developed type of band-ornament in which the hatched or punctured band is still used, not in the simple designs seen at Villafrati, but in designs shewing the same freedom and originality as those of Malta. Compare, for example, the curiously sudden ending of the band-festoons in *Bull. Pal.* xxxiv. Tav. iii. Fig. 8, with the treatment of the same ornament on many Maltese vases, and notice the singly-hatched ornament of *Bull. Pal.*, xxxiv. Tav. iii. Fig. 7, which has exact parallels on many of the Corradino vases. Finally, note that the small cup with a high pointed

[1] See Von Andrian, *Prähistorische Studien aus Sizilien, passim.*

[2] *Bull. Pal.* xxxiv. (1908), pp. 119 ff. and 155 ff., Tav. iii. and iv.

handle, *Bull. Pal.* xxxiv. Tav. iii. Fig. 1, is almost identical with an example from Hal Saflieni.[1]

At San Cono,[2] where graves of the latest neolithic period were discovered, the band-ornament arranged in festoons is again common, and we have an exact parallel[3] to the typical Corradino handle (Plate XII. Fig. 5).

Passing now to Sardinia we find further parallels in the caverns of Cape Sant' Elia near Cagliari.[4] Here once more we find the usual band-ornament, but in its simple forms. Equally important is the fact that two of the most typical Maltese vase-types occur, namely the open cup (Pl. IX. Fig. 7)[5] and the flat dish with fine incised ornament beneath.[6] The bell-beaker also occurs in these caves, and in the rock-hewn tombs of Anghelu Ruju[7] near Alghero, which are in the main contemporary with the deposits of the caves.

In the Balearic Islands, we have the vase figured by Cartailhac[8] and quoted by Tagliaferro in his report as a parallel to the so-called hanging lamps of Hal Saflieni. But although there is some slight similarity, I cannot think the comparison a happy one. However, the inverted truncated-conical vase which Cartailhac also figures[9] is a common form at Corradino.

In the Spanish peninsula itself the bell-beaker occurs, and at Serro di Castello[10] we find the Maltese form, Pl. IX. Fig. 7. At Palmella we have a still more remarkable parallel as we find there the exact form of some of the Hal Saflieni "lamps."[11]

Such parallels as these are hardly due to mere coincidence, drawn as they are both from the forms and the ornament of the vases. But the remarkable fact is that all these parallels are taken from countries where the megalithic civilisation flourished, and from remains which we know to be connected with that civilisation. We can hardly avoid the conclusion that the megalithic monuments of Malta were built by the same people who built those of other parts of the Western Mediterranean. The discovery of subterranean 'architecture' in solid rock at Hal Saflieni forms yet another argument for attributing to this same people the rock-

[1] This vase is at present in the magazines of the Valletta Museum.
[2] *Bull. Pal.* xxv. (1899), pp. 54 ff., Tav. vi. and vii. [3] *l.c.* Tav. vii. Figs. 3 and 4.
[4] *Bull. Pal.* xxiv. (1898), Tav. xvii.–xix.
[5] *Op. cit.* Tav. xvii. Fig. 10.
[6] *Op. cit.* Tav. xviii. Figs. 7 and 8. [7] *Notizie degli Scavi*, 1904, pp. 301 ff.
[8] *Monuments primitifs des Baléares*, p. 61, Fig. 55. [9] *Op. cit.* p. 59, Figs. 49 and 50.
[10] Cartailhac, *Les Ages préhistoriques de l'Espagne*, p. 214, Fig. 278.
[11] *Op. cit.* p. 127, Figs. 169–171.

hewn graves of Sardinia, Spain and perhaps Sicily. Where this immigrant people came from we need not discuss here, but it is clear that as regards pottery at least they had a common inheritance, which developed on different lines in the various countries in which they settled.

In this connection it is interesting to find that the small conical button with two convergent holes in its base, already known as typical of the megalithic period in Spain and Sardinia, occurs in considerable numbers in shell at Hal Saflieni. At the same time the pierced model celts of Malta [1] should be compared with those of Sicily, so common at Castelluccio and elsewhere.

Thus the evidence of these small objects bears out that of the pottery. The affinities of this Maltese material are therefore to be sought in Sicily, Sardinia and the Western Mediterranean, and no doubt, though this we cannot prove, in North Africa. Connection of origin with the pottery of the Aegaean there is apparently none, at any rate it is so remote that we cannot trace it, and of direct Aegaean influence I can see no certain evidence whatsoever.

I.—CORRADINO HILL: WEST BUILDING.

Excavations have been conducted in recent years in three different points on the hill of Corradino or Cordin. Caruana (*Arch. Journal*, liii (1896), 26 *sqq.*) speaks of the existence of five groups of ruins all close together, and gives plans of two of them, both of which he excavated partially. These have been completely cleared in recent years, but we have never been able to find the other three which he mentions. It is clear from his account that he did not notice the southern group, which lies a good deal further off.

The first to be described is the smaller (western) group of ruins, which lies on the slope of the hill towards the innermost recess of the Grand Harbour, above the liquid fuel tanks recently erected for the Royal Navy. It was excavated by Caruana in 1842, and reinvestigated by Professor Zammit in 1908. Mayr gives a short description of it (693, 69) and a plan (Pl. VII.) adapted from that made for Caruana by F. Vassallo.

[1] Large numbers from Hal Saflieni, one from Corradino (east building), and one from Hagiar Kim.

Our plan (Pl. II.) is based on this, but is a result of the re-examination of the ruins.

There were, according to Mayr, three entrances to the main building, but we cannot consider it certain that there was one on the N.W. side of A, for the wall is too much broken away; it is, however, quite possible. The wall on the S.W. of B was noted by Caruana as present in its entirety; but he was perhaps mistaken, for no trace of it now remains: of its original existence there can be little doubt, and Mayr shows it in his plan.

The entrance into D, shown by Mayr at *b*, appears correct, and it looks as if there were a second one over the second stone to the S.W. of this: that into E is correctly indicated (at *c*). There may, too, have been an entrance into F from the south (at *dd*), or it may be that the wall is only broken away. To the S.W. of E are some remains of walling, with a pillar stone *f*.

Three other spaces, H, K, and L, have been added to the plan. H has a slab floor; K is a room in the nature of an annexe and is entered from the outside of the building. L shows a torba floor; the entrance is uncertain.

The stone marked *a* in Mayr's plan is a pillar, 34 inches high, with a rope-hole bored in it. Between A and B there is a threshold, not shown by Mayr, and that between B and C is now made clear.

In A there lies a stone pillar, 0·58 m. high, by 0·30 m.[1] in diameter at the ends, but tapering in the middle: it is not *in situ*.

The study of the building has been rendered much more difficult by the removal in the previous excavations of the 'torba' floor. It is, also, often extremely hard to decide whether the small rough stones of which these walls are composed are *in situ* or not.

II.—CORRADINO HILL: WEST BUILDING.

Pottery and Small Objects.

Only a small quantity of pottery was found in this building, but this was sufficient to show that the period of habitation was the same as that of Corradino East Building, situated a hundred yards further up the hill.

[1] For all practical purposes 1 metre may be taken as equivalent to 3 feet 3 inches: so that 0·30 m. = 1 foot, and 0·025 m. = 1 inch.

Compare the classification and description of the pottery from that site and from Corradino South Building.

A. Rough wares.

(1) Unornamented.

(2) Scale ware.

All the five types of Corradino South occur, together with another type in which the large scales are very irregular in shape and position.

(3) Pitted ware.

The pits are circular, oval, linear, or are reduced to mere punctures.

(4) Studded ware.

There are two pieces only, both of the fine dark type. One has small circular affixed studs, the interstices being filled with white. In the other the flat elliptical studs are cut out on the vase and are almost more like scales.

(5) Line ware.

There are five rough pieces.

B. 'Maltese' slip wares.

I. Vases incised after firing.

The incisions are made with a fine sharp point. The designs consist of lattice pattern (G 18), or simple curvilinear designs of the hatched type so common at Ix-Xaghra ta Cordin. Three pieces show parts of the design filled in with dots (G 24).

II. Vases incised before firing.

(1) Corradino incrusted ware (see Corradino South).

Sixteen pieces.

(2) Dot and line ware.

Twenty-one pieces—a rather large proportion. White filling is usual.

The handles and shapes offer nothing worthy of remark, all those found being well known at Corradino East and South.

Objects of Flint.

For the classification see Corradino South.

A. Scrapers with a single worked edge.

(1) Usual type—several examples.

(2) Segmental type—one example.

B. Scrapers worked all round or nearly so.

(1) Roughly circular—[Pl. XXVI. Fig 13]
(2) Triangular—
(3) Long rectangular—
} examples of each.

C. Flakes, practically unworked.

(1) Triangular points—three examples.

D. An arrowhead, 18 mm. long, with wings, concave base and no tang. This is the only flint implement as yet found in Malta which is worked on both faces. The working is minute and fairly accurate. No other arrowheads are known in Malta.

III.—CORRADINO HILL: EAST BUILDING.

The next building which demands our attention is that which lies to the N. of the Detention Barracks.

The site, before the construction of the ditch enclosing the top of the hill, occupied the summit of the ridge, overlooking the harbour and commanding a fine view on every side. The cutting of the ditch, in 1871–2, is responsible for the destruction of a portion of the remains, perhaps not a very considerable one as far as we can tell from the plan of the rest.

There appear to have been excavations here in 1840, of which the only record is contained in Cesare Vassallo, *Dei Monumenti Antichi del gruppo di Malta* (Malta, 1876), page 32. 'Non porrò fine alla descrizione degli edifici religiosi dei Fenici, senza rammentare quello che sta inosservato sul colle di Corradino. Non ne fu scavata nel 1840 che piccola porzione, ed a soli cinque piedi circa di profondità, e vi furono tosto scoperte due entrature, che conducono ai soliti emicicli, e dello stesso apparato di grossissime pietre. Non è a dubitare che ripulendo quel dintorno, segnato nella superficie da immani massi che invitano a scavare, non si scoprirebbe, anche a Corradino, intero un edificio, non forse inferiore in interesse agli altri fin qui scavati.' The allusion must be to the portion marked A–C on the plan. Caruana, however, who partially excavated this building in 1892 (*loc. cit.*) makes no mention of previous explorations, and Mayr (690 *sqq.*; 66 *sqq.*) though he actually cites the passage of Vassallo, did not apparently notice this fact.

The account of Caruana is unfortunately very inadequate, and it is often impossible to tell whether he is correct in his interpretation of what he found, and whether some of the walls that he marked as such in his plan are really walls or no: nor does he note the original floor levels in the part of the building which he excavated, though it must be said that the other portions were found by us to be much ruined and difficult to understand. The small objects were not preserved, any more than was the case with the other megalithic monuments which he excavated. The plan, however, made by Vassallo is serviceable, while Mayr's description is a good one; and we have adopted the lettering of the text and plan of the latter (taken from Vassallo) as far as it goes in our Pl. III. Our investigations were conducted in October, 1908 and May and June, 1909.

The first room of the series of three rooms on the S.W. side of the building, A, served, according to Mayr, as a forecourt. It was entered from the N.W. by an aperture, the size of which cannot have been greater than 4·70 m., while it may have been less. To the N.W. extend stones apparently packed in to form a pavement, for a distance of several metres. Whether the drop in level at the entrance existed originally, it is impossible to say, as we do not know the original floor-levels in this portion of the building: they were not noted during excavation, and cannot now be recovered. Mayr is wrong in supposing that the floor was always the natural rock.

The blocks of which the walls are composed are, Mayr says, unusually small and low, and he suggests that A was rather an enclosed court than a chamber. To what extent indeed the various parts of the building were roofed is a question to which it is not easy to find an answer. But his observation as to the special smallness of the blocks in reality applies only to the portion N.E. of the opening.

A doorway about 1·60 m. in width, the sides of which were flanked by large vertical slabs, *a*, a^1, *b*, b^1, leads into the next chamber, B. In the front pair, a^a and *b*, the former of which had fallen in Mayr's time, holes, about 0·12 m. in diameter, were found at 1·10 m. above the ground level, going right through each block. These perhaps served for the fixing of a wooden beam to close the opening. In the S.W. block, near its N.W. extremity, is a smaller hole about 0·03 m. in diameter, possibly for a cord

[a] *a* measures 1·60 m. high by 1·30 wide, by 0·45 thick.

or rope. The outer faces of the blocks are slightly smoothed, and *b* in particular shows traces of careful working.

The N.E. block of the back pair a^1 had fallen since Mayr's work was written (see *V.D.* Pl. VIII. Fig. 2). It measures 1·60 m. high by 1·15 wide by 0·50 thick. The present position of *a*, a^1 is shown in the plan (a^2, a^3). On the N.E. side are traces of pit-markings, and a small slot hole which is 1 m. above the ground level and measures 0·15 m. long, 0·06 high, and 0·4 deep.

The S.W. half of B is almost rectangular, and a stone which once projected from the wall but is now fallen, divided it, according to Mayr's view, into two niche-like recesses. On following the external wall a much rubbed Roman 3rd brass was found 0·08 m. below grass level. The N.E. portion is apsidal. A low wall, *c-d*, 0·70 m. above the ground level, which we have cleared, runs in front of the apse, following its curve, and forms a bench or shelf 0·60 to 0·90 m. wide. A slab *e*, 1·20 m. high (not 1·50 as Mayr says, for it does not reach down to the ground) closes the bench on the S.W.: it has a hole in it 0·25 m. in diameter, and is 0·40 m thick. Behind the upper wall of the shelf are seen the stones of the centre of the core of the wall (see Mayr's plan).

In front of the apse are two depressions in the rock floor, one circular, *x*, 1·00 m. in diameter, and 0·45 to 0·50 m. in depth. Mayr considers it without a doubt a receptacle for water, but this is by no means certain.

The other, *y*, is rectangular.

The vertical slabs which lined the entrance to C have fallen, one of them lying over *y*, and the large block on the N.E. which originally measured 2·20 m. high, 1·10 m. wide, 0·50 m. thick (being thus one of the largest in the building) is broken across.

C has two well formed apses, in the S.W. of which is the loftiest slab now standing erect in the whole building, *p*, 2 m. in height.

The entrance into D, the present level of which is some 0·20 to 0·30 m. higher, is formed by a doorway 1·55 m. in width, with a threshold block, *f*, 1·70 m. long, lying in front of it (Mayr says that it is partly worked in the rock, but this is incorrect). Just behind it is a ridge of rock *g*, 0·35 m. high, which perhaps marks the height of the original pavement. As things stand at present, it, as Mayr remarks, blocks the entrance, leaving only a space of 0·65 m. available on the S.W.

The exact outlines of D are very doubtful, as the walls have almost

entirely disappeared. Caruana's plan shows the beginnings of walls, as though it had been similar to the three rooms just described; but the traces visible on the spot are scanty, and on the S.E. no walling is preserved at all, while on the S.W. its destruction is due to the later wall mentioned below.

Mayr is quite correct in distinguishing[1] between the character of the walling in A, B, and C (including the adjacent N.W. wall of D, and the adjacent N.E. apse of E) inasmuch as in this portion of the building the blocks used are considerably larger than in the rest. Here they are 0·70 m. to 1·20 m. in height and up to 1·80 m. long, while elsewhere they are seldom over 1·00 high, and easily tumble away from their earth backing. The blocks are almost entirely unworked: traces of a second course are rarely to be seen; but the height of the walls, though varying, is only about 1 to 1·50 m. on an average. An external wall of smaller blocks may be traced at the points shown on the plan, but its line is not always very regular. Between these blocks and the blocks and slabs which form the inner facing is a packing of earth and small stones.

The floor, as seen at present, is the natural rock; but it is doubtful whether here, as elsewhere in the building, there was not originally a floor of stone slabs or of clay.

To the S.W. of D is an enclosure D^1 with a rather sharply pointed apse on the E. which is, in the main, shown in Caruana's plan.

Though some large blocks are used, the character of the construction is not so good as in A, B, or C, and is rather more similar to that of the rest of the group, in which smaller stones are found; though even here slabs are the most frequent, and the roughly coursed work of blocks and unworked stones of which Mayr speaks can hardly be said to be used in the majority of cases.

The southern portion of the building has been to a great extent destroyed by the construction, at a subsequent and as yet undetermined date, of a perfectly straight wall 1·15 m. in thickness (ZZ on the plan) which runs N.E. and S.W. It is faced with rough blocks on each side, and has smaller stones in the centre; and both the straightness of its line and the entirely different character of its construction render its later date certain. It is curious that no later finds in connexion with it have been made.

[1] The packing at the N. angle of D was examined in 1908. The depth to the floor was 0·90 to 1·20 m., but we could detect no stratification. For the first 0·60 m. there was no pottery: then the soil became harder and we began to find pottery. It was obviously a filling made at the time of the construction of the building and not the result of a gradual accumulation.

Various walls which are visible outside the Admiralty enclosing wall are also later. To the S.W. of this latter wall the rock is about 0·45 m. below the ground level.

In D^1 are remains, comparatively high up, of a late 'torba' (or limestone chip concrete) floor, and also at a slightly lower level of a floor of rough small flat pieces of stone: this last floor can also be traced in L^1 and L^2. Under it pottery and flints were found. At a lower level still in the W. angle of the room as preserved are remains of a hard trodden floor some 0·60 below ground level, and 0·15 m. thick, resting on the rock, with small stones and no pottery in it.

L is a chamber of irregular form, certainly not approached from P, Q, or V, though very little else that is certain can be said about it. It is in reality divided into two parts by the double threshold *ll* mentioned by Mayr; a large block on its S.W. side has a beam hole in it. L^2 is a niche-like recess to the E. in its N.E. portion, while L^1 is to the S.W. against the new boundary wall. The removal of the slab pavement in L^2 led to the finding of much pottery, and at about 0·45 m. lower a limestone chip floor, 0·04 thick, hard and well preserved, with clay under it about 0·04 and stones below that. No pottery was found in or under this torba floor, (Pl. IV. Fig. 1).

The rest of the building lies to the E. and S.E. of the irregular open spaces (rooms they cannot have been) F, G. Mayr is quite right in entirely rejecting Caruana's idea that the N.E. portion of the building also consisted of apsidal rooms, a supposition for which there is no evidence at all.

Caruana supposes an entrance to E on the N.W. between *i* and *h*, but this is improbable, as the outer wall is traceable here: Mayr prefers to see one on the N.E. between *hh* and *ii*, over what may have been a threshold of rock (there is no wall to E on this side, but only rock just below ground level) 0·50 m. high. Here again our lack of knowledge as to the original floor-level puts us in a difficulty. A mass of rock in F rising irregularly seems to indicate that the floor must have been above it. Whether G was accessible from D or not we cannot say for certain.

H is a small space opening out of F, J a similar one opening out of G. Mayr saw it with a doorway only 0·40 m. wide, but the outer wall has been partially destroyed since then.

Out of G also opens K, which is again of irregular form.

To the N.W. of it is the space N, not shown in Caruana's plan, and apparently excavated subsequently. Mayr indicates it in his plan and speaks of it in his text as entirely closed ; but part of its N.E. wall has since then been destroyed, and a modern wall built across its interior. The wall between N and M and O and M is apparently mainly composed of stones, and it was therefore only cleaned at the top and not further examined by us.

From K, a door 0·70 m. wide leads between two standing stones (the higher is 1·20 m. above the sill) *u* and *v* to Q, one of the portions of the building not excavated by Caruana. There is a slab just in front of the doorway, 0·79 m. by 0·39 m. by 0·11 m. thick, but the amount of rise here is not quite certain, as the floor in this part of K is not preserved.

The floor of the space Q is on the same level as the top of the slab, and there are two stones in line as if for a door to close against, 0·86 m. long, 0·19 m. high, and 0·23 m. wide. The S.E. wall of the space Q is part of the curving wall of V. The floor of Q is made of flattish blocks of stone, very irregularly laid, and has soil underneath it, and then comes the rock. In some cases small pieces of stone mortared (?) on to the projecting bits of rock may be seen.

In the thickness of the wall which separates Q from K is the space R, which was full of pottery, and goes down to the solid rock at 1 m. below the surface. About 0·30 m. down was a layer of small stones. It seems to have been entirely inaccessible except from above : cf Mayr (672,39), for a similar feature in the building N, at Hagiar Kim.

To the N.E. of R is the space S, similar in character, but approached by a doorway 0·95 m. in width, from a small anteroom T, which is itself reached from K by a door between the two slabs *m* and *n*. On the S.E. of the latter is a step, 1·00 m. long, 0·50 m. wide, 0·12 m. high, between two upright blocks, one of which is one of the sides of the doorway between S and T.

This leads up to another level slab *n'* 0·31 higher, 0·73 wide, 0·20 deep, enclosed by two stones, and behind this again is a large block of stone, which seems to be in position, so that we can hardly suppose a doorway here, but must assume that there was a niche.

To the N.E. is an area V about 0·30 m. higher in level than the rock in T, probably not accessible from T, but from the N.E. Its prolongation has, however, been destroyed by the modern fortress ditch. It is roughly paved with slabs of stone.

At the probable floor level of this part we found small stones packed in, for a thickness of about six inches, with no pottery in them. K is separated by an irregular wall from the space O to the N. of it: at the E. end of the dividing wall is an opening. The floor of O is 0·27 m. lower. It consists of slabs of stone, some quite roughly laid, with a thin grey clay lining over them in some cases. Below these slabs is the rock.

The form of O is very irregular: the whole was full of loose stones and earth, with which pottery was intermixed, and the N.W. portion especially is even now not quite clear. Among the stones was a cylindrical one, 0·40 m. in height, 0·20 m. in diameter at one end, and 0·18 to 0·22 m. at the other. It would seem that the slab *q*, which is 1·43 m. high, 0·18 m. thick, and 0·90 m. to 1 m. wide, originally stood upright and formed one side of a doorway, the other being formed by *r*, and another stone which has fallen. But the inner surface of *q* was found, when it was raised, to be not weathered at all.

On the west side is a step formed of small blocks, rising 0·32 m. between two upright ones and forming a shelf 0·77 m. long and 0·35 m. wide. Its object is quite uncertain, and its lowness remarkable.

To the N.E. is a threshold slab, *t*, *in situ*, at least 0·80 m. long, 0·40 m. wide and 0·10 m. thick. It led to a portion of the building which has been destroyed by the modern fortification ditch.

To the N. again are four small spaces, P^1–P^4, divided by vertical slabs and small blocks set on end. P^3 and P^4 were partly paved with torba, but elsewhere the natural rock served as the floor. They contained flints and pottery. In one of the blocks which line P^1 on the N.W. is a hole 0·15 m. in diameter and 0·28 m. deep, which does not go right through the block. In it was a small flat stone 0·12 by 0·10 m. and 0·04 m. thick.

From P^4 a doorway *s* 0·40 m. wide leads into a passage M^1, and this by a step descending 0·20 m. to a doorway 0·85 m. wide, somewhat better constructed than is usual in this part of the building, formed by two upright slabs with comparatively smooth faces. Such good work is only to be found elsewhere on the south-west doorway from A into B. In the doorway was found a pillar 0·83 m. long (*infra*, p. 27). When found it was lying almost horizontally, parallel to the side slabs of the doorway (cf. Mayr, *P.M.* 56, *n* §[1]). The existence of a shrine in this part of the

[1] The passage does not occur in *V. D.*

building is not at all impossible, though it is unlikely that M^1 was a niche rather than a passage way.

This doorway leads into the space M, which is at present in such confusion, owing to the collapse of parts of its walls, that there is nothing new to be said about it.

To the N. of it a modern box drain, going N. and terminating at the fosse, was found.

In the space N.E. of M^1 much pottery was found: to the N.W. in a space, between two flat slabs, two flat stone grinders were discovered.

We now return to the area S. of Q.

Here is an apsidal space, V: the apse at the west end is clear, and the N. wall (which is the S. wall of Q) curves in such a way as to justify the supposition that there was another apse on the east. Here, however, the walls have been destroyed and the rock is only about one foot below the surface, both on the N.E. and on the E.S.E., and only loose stones are to be seen. There is a well defined clay floor about 0·55 m. below ground level.

Another space with a decidedly pointed, almost rectangular, extremity W, faces S.E., and its prolongation appears to have been entirely destroyed. The modern boundary wall erected on this side was intended to respect the remains of this building, and seems to have succeeded in its object.

A clay floor similar to that of V was found in W, 0·45 m. below ground level; the clay was 0·10 m. thick and then came stones 0·10 m. thick. In the clay was pottery of the usual type.

In the trench to the E.S.E., which reached the rock about 0·30 m. down, was found a small fragment of a human lower jaw.

IV.—CORRADINO HILL, EAST BUILDING. POTTERY AND SMALL OBJECTS.

The objects found may be divided into those of stone, those of bone, and those of terracotta.

Objects of stone.

The most remarkable of these are two small columns. The larger, found broken and out of position, in the doorway connecting rooms M and P is roughly cylindrical. Its length is 83 cm. and the diameters of

its ends, which are both slightly concave, are 22 and 26 cm. respectively. The working of the stone is rather rough. The other column can hardly be called cylindrical, for, while at the ends its diameter is 21 cm., at the centre it narrows to 18. Its length is 42 cm. One end is slightly concave, the other is flat. It is unlikely that these columns played any necessary part in the construction of the building itself. They probably supported stone tables—perhaps serving a ritual purpose—as at Mnaidra, or they may even have been themselves objects of worship.

Another piece of worked stone, found not far from the longer column, is undoubtedly part of a basin which must have been about 50 cm. in diameter, 25 in depth, and 5 in thickness.

Of uncertain use is a heavy crescent-shaped stone, 19 cm. from point to point.

Ten roughly circular stones, flat on one surface and convex on the other, were undoubtedly used to grind various substances upon. The largest of these has diameters of 18 and 14 cm. respectively, and is thus roughly elliptical. The actual grinding was doubtless done with pebbles of hard stone of a convenient size for holding. Some twenty of such pebbles were found.

We may probably class as mortars three thick stones, each with a circular depression in its upper surface. These depressions are about 6 cm. in diameter and 2 cm. deep at the centre (cf. Pl. IX. Fig. 5). A larger and flatter stone has in its surface an elliptical depression, 115 mm. long, 55 broad and 33 deep, which appears to have been worn by grinding.

A curious object is a small conical stone, 57 mm. high, 3 cm. in diameter at the base. Near the apex are two small round depressions side by side each 5 mm. in diameter and 2 mm. apart. The object gives the impression of a rough statuette whose eyes are formed by the depressions mentioned above.

Under the head of sling-stones may perhaps be considered a spherical stone 28 mm. in diameter, and an ellipsoidal stone with pointed ends, about 6 cm. long. The last is a type very frequent at Hal Saflieni.

All the objects so far described, with the exception of the pebbles for grinding, are of limestone. Of fine, hard, grey-green stone is a model celt 27 mm. in length, pierced at the apex, similar to those of Hal Saflieni, which are supposed to have served as pendants.

The Flints.

For classification see Corradino South (*infra*, p. 49) and cf. Plate X. Over 200 were found, of which only 27 showed traces of working.

A. Scrapers with a single worked edge.

(1) Usual type—common. (Cf. Pl. X. Figs. 6 and 15)

(2) Segmental type—a few. (Cf. Pl. X. Figs. 3 and 12)

B. Scrapers worked all round or nearly so.

(1) Circular—many examples. (Cf. Pl. XXVI. Fig. 13)

(2) Triangular—two examples. (Cf. Pl. X. Figs. 5 and 11)

(3) Long rectangular—two examples. (Cf. Pl. X. Figs. 8 and 14)

C. Flakes practically unworked.

(1) Triangular pointed—several. (Cf. Pl. X. Fig. 1)

Objects of bone.

Only two pieces of worked bone were found, one a borer 38 mm. long, highly polished towards the point, and the other apparently the eye-end of a coarse needle.

It may be stated here that vast quantities of bones and shells were found in all parts of the building, especially in sections O, P.[1] Of the bones about one per cent. were burnt or blackened by fire. Only one fragment of human bone was found, a piece of a lower jaw.

Objects of terracotta.

The pottery corresponds in a great measure to that found at Hal Saflieni and so ably studied and published by Professor Tagliaferro.[2] As this work forms so sound a basis for the classification of Maltese pottery I have as far as possible followed the division there adopted. His excellent plates should be referred to. References to them are placed in round brackets, while square brackets refer to the present publication.

[1] The shells were determined by Dr. A. Caruana Gatto, as follows: Helix vermiculata (new variety), Helix aperta, Ceritium vulgatum, Ceritium fuscatum, Pecten varius, Trocus divariatus, Trocus articulatus, Anomia ephippum, Nassa variabilis, Conus Mediterraneus, Stenogyra decollata, Ciclostoma Melitense, Ciclonassa Melitea, Columbella Rustica. All these varieties are still found in Malta.

[2] *Annals of Archaeology and Anthropology*, published by the University of Liverpool, vol. iii. part i. pp. 1 *sqq.*

In the pottery of Corradino East almost every variety of size and fineness is to be found. We may divide the vases according to size into large, medium, and small.[1]

In the large vases the walls vary in thickness from 10 to 22 mm. In the coarser examples the clay is usually red throughout, or black, burning to red on the surface. It is very impure and contains small fragments of white stone and even pieces of shell. There is seldom a slip or a polish. The chief forms are large ovoid jars and vases of inverted-conical form with a flat base. The finer of the large vases are of purer clay; the surface is sometimes covered with a slip, blackish in colour and smoothed over with a flat implement.

Among the medium-sized vases, whose walls are from 7 to 10 mm. thick, the rougher specimens are of blackish or reddish clay, unpolished on the outer surface. A few examples of this class have, however, a good polish on the inside, while the outside is left quite rough. The finer vases have a grey, brown, or red surface and a fair hand-polish. Vases red on the outside and with a good brown or black polish within are not uncommon. All these finer vases are covered with a good slip.

The smaller vases are almost always of fine ware, with the exception of a few unpolished red specimens. The walls are from 3 to 5 mm. in thickness, and the colour and texture of the surface serve to distinguish this ware from all others. It has in the first place, a hard, brittle appearance and feels rough and gritty to the touch, despite a fair polish. The colours, which show the utmost variety, are never very definite in tint. Jet black and brick red are both absent, but we find every shade of grey and brown. Many pieces are of a dull pink, or of a grey which is almost white, with a trace of blue in it. This last colour tends to give to the polish almost the appearance of an inferior glaze. There is often considerable variation of shade on the same vase, due to uneven firing.

A. Rough faced vases (ornamented before firing).

(1) The vase is quite plain, or a small knob of clay is raised on it, usually diametrically opposite to the handle, or a small vertical or horizontal ridge of clay itself serves as handle.

[1] These remarks apply to the pottery from all the three Corradino sites.

(2) 'Leaf or scale' ware. In this the vase is almost covered with a raised pattern resembling leaves or fish-scales.

(*a*) Long vertical furrows run parallel and their upper ends are rounded off to form scales (C 4[1], Pl. II.). [Cf. Pl. XII. Fig. 4.]

(*b*) Scales or leaves of varying height are set side by side in such a way as to form scallops (C 6, Pl. III.). [Cf. Pl. XXVI. Fig. 1, No. 1.]

(*c*) The vase is covered with scales overlapping as on a fish (C 5, Pl. IV.). [Cf. Pl. XII. Fig. 1.]

(*d*) Long scales are set side by side with their tops in a horizontal line round the vase.

(*e*) The scales are produced by a comb-like implement and so have a finely-veined appearance (as in C 6).

(*f*) Two fragments show three parallel adjacent vertical rows of fine scales (not known at Hal Saflieni).

This 'leaf and scale' work is usually applied to vases of large or medium size of yellow or reddish clay. There is never a polish, but many examples have a yellowish slip. A few pieces are of rather better ware of a drab tint. The scales vary greatly in width, the widest being 60 mm. and the narrowest only 5 mm. (Cf. Hal Saflieni, Types C 4–8).

(3) Pitted ware.

Usually medium-sized vases of rather rough ware. There is no polish, but a slip often both inside and out; the surface is usually grey or drab.

(*a*) The vase is covered with small oval pits. (B 3, Pl. I.)

(*b*) The pits are crescent shaped, and sometimes filled with a white substance.

(*c*) The pits are long and narrow ('strokes') and may or may not be white-filled. (B. 3, Pl. I)

The ornament usually covers the whole vase almost at random, but in one case of Type (*c*) the strokes are carefully arranged in horizontal rows.

(4) Studded ware.

Poorly represented by a few dark unpolished fragments with small circular studs applied regularly over the whole surface (D 9).

[1] The references in round brackets are to Professor Tagliaferro's classification and plates.

(5) Lined ware.

The vases are of medium size, rather rough outside, but smooth and even polished inside. The whole vase is covered with deep incised vertical lines, quite close to one another or some distance apart. There is sometimes a white filling in the incisions. (G 16 and 17.)

B. 'Maltese' slip ware.

For details of the clay and slip see *supra*, p. 30. A certain number of these vases are unincised, especially the larger.

I. Vases incised after firing.

The incisions are lightly incised with a sharp point. They are rectilinear or curved. Sometimes the decorative scheme is carried out in single lines, sometimes in double parallel lines forming a sort of band. Occasionally this band is filled with single or double hatching. To save useless description, it may be said that the patterns correspond exactly to those found by Father Magri at Xeuchia, and illustrated in his *Ruins of a Megalithic Temple at Xeuchia, Gozo.* (See especially Pl. I. Figs. 12, 16; Pl. II. Figs. 65 and 19; Pl. III. Fig. 49; Pl. V. Figs. 32, 33, 67; Pl. VI. Figs. 57, 58; Pl. VIII. Figs. 42, 43.) Cf. also Corradino South and Mnaidra.

A constantly recurring form is that shown in Pl. IX. Fig. 7. The upper part of the vase is covered with a simple pattern of festoons, scrolls or spirals and straight lines, and there was probably in most cases a handle (G. 20).

Occasionally the incisions were filled with a white substance, and in some cases they were painted over with a narrow band of red. (G. 21, Pl. XI.). In other vases the enclosed areas of the design seem to have been coloured red. The inner surface of the handles is often still covered with the same red paint, which may have occasionally been applied to the whole vase.

It is notable that many of these patterns, which show remarkable freedom of design, do not occur at Hal Saflieni, where the ornament in this class of vases follows a few fixed types. At the same time, the stereotyped Hal Saflieni designs are not wanting here, indeed they are extremely common. One sherd was from a dish of Hal Saflieni Types 25 and 26.

The use of the toothed line and also of dots filling up spaces may be

noticed, but neither of the vase-forms for which these two elements of design were at Hal Saflieni respectively reserved (viz. Types 22 and 24[1]), occurs at Corradino.

The type of pottery here described (Maltese slip ware) is far more frequent than any other on all sites as yet excavated in Malta. It is easily recognized by the curious gritty feel of its moderately polished surface, and also by the nondescript tints which parts of the surface assume in all but the very finest vases. We have already referred to these colours, which are the result of unskilled firing.

II. Vases incised before firing.

(1) Corradino incrusted ware. (See Corradino South.)

Only some two dozen very small fragments of this pottery were found. The vases are medium or small and made of good clay. The rectilinear ornament consists of broad lines made *by cutting out the clay* with a sharp instrument. The lines cut out are often so broad as to rather deserve the name of bands. They were probably in all cases incrusted with a white substance. Their edges are often minutely notched in a kind of fish-bone design which helped to hold the white filling more securely. The patterns seem simple, consisting mainly of horizontal lines or bands round the neck and body of the vase.

(2) Dot and line ware.

The vases are of medium size, sometimes of very dirty clay, slipped but not polished, and of grey, brown, or black colour. The ornament is first outlined by incising and then filled in with dots by a sharp pointed implement.[2] By holding this implement in a very slanting position the dots could be replaced by short strokes. The most usual pattern is the dog-tooth. The incisions and punctures are usually filled with a white substance. (Type 23. Pl. XII.)

The Handles. Cf. Corradino South for classification.

A. String-holes.

Pierced either in the rim or in a small projection on the body of the vase.

[1] See Pl. XI. and XIII. Professor Tagliaferro believes the vases of Type 24 to be hanging lamps for lighting the hypogeum. In view of the size of some of them I should hesitate to accept this. They are much more probably part of the funeral furniture of the dead.

[2] This ware should be distinguished from some of the finer examples of Class B. I. in which dot and line ornament is used. In the latter case the design is incised after the firing, in the present case before it.

B. Rope-holes.

Both the tunnel and the tube-handle occur. Cf. Pl. XII. Figs 7 and 8.

C. True handles.

(*a*) There are fragments of high ear-shaped handles rising above the vase-rim.

(*b*) The most usual of the finger handles are flattened above so as to give an angle round which the clay is shaped into a pyramid. Cf. Pl. XII. Figs. 19–22.

(*c*) Others are not flattened above but run out to a point as in Pl. XII. 5. Exactly similar handles occur at San Cono (*supra*, p. 16) in Sicily on vases of the late neolithic period. The Sicilian forms are hardly so much developed as the Maltese.

V.—CORRADINO HILL: SOUTH BUILDING.

At the end of May, 1909, the excavation of another building was begun. It is situated to the south of the road leading to the Detention Barracks from the Marsa, along which runs a now disused tramway line, in a field belonging to the Government of Malta, and called 'Ix-Xaghra ta Cordin.' See plan, Pl. V.

The site had not been previously excavated, and presented the appearance of a mound from which large blocks and slabs of the local limestone protruded, which clearly indicated the presence of a megalithic building: the outlines of two apses (A and B) could be traced, and other indications (notably the large stone *c*, on the N.W. side of the doorway into A B) were of material assistance. The excavation of the central portion of the building, on the other hand, was attended with somewhat greater difficulties, owing to the presence in the centre of the rooms of large loose blocks of stone, which rendered it hard to suspect their plan.

A lucky chance, however—an experimental trench between the two standing stones *g h*, in order to ascertain the depth to which the excavation would have to be carried—led to the discovery of the trough; and the curve of the wall of G was shortly afterwards recognized. The discoloration of the upper portion of some of the blocks shows where the ground level was before excavation. (See *e.g.* Pl. VII. Fig. 2.)

The building occupies the summit of the ridge, like the east building near the Detention Barracks, from which it is about 600 metres distant, overlooking the Marsa, and commanding a fine view to the S.W., W., and E.: the front of the building faced due S.

The building consisted of at least four parts or groups of rooms, not accessible from one another. Of these A B formed one, C–I another, each of these having separate entrances in the façade. J, which was also entered only from the S., is not connected with any of the other rooms, and may be a later addition to the plan.

The rooms to the north, K–Q, are smaller and are constructed on a less massive scale. They may have served for domestic purposes; but that the first two groups were places for worship, and were analogous to the prehistoric sanctuaries of the island, there is little doubt. Neither of them presents the characteristic arrangement of two oval areas side by side, with the entrance on the line of the minor axis, and the most important niche in the building opposite to the entrance (Mayr, *op. cit.* 4. 647); but it is probable that one such area was originally formed by D, E, F, and G.

The façade curves considerably (Pl. IV. Fig. 2), presenting perhaps an analogy to the frontal semicircle, which is so familiar to us in the Tombs of the Giants of Sardinia: the curve is far more strongly developed than in the other megalithic sanctuaries of the island. In fact, until the discovery of the building with which we are dealing, I was hardly inclined to accept Mayr's comparison of the sanctuaries of Malta with the Tombs of the Giants and the Navetas of the Balearic Islands (where it is much less strongly developed) in this respect (*op. cit.* 713, 97; cf. *supra* 13).

It does not seem likely that in our building there was any projection beyond the actual line of the façade: some smaller stones were found at the S.E. extremity and at first thought to form a wall, but in all probability they are mere debris.

The façade was constructed of massive slabs, now much broken, and in some cases fallen, placed vertically, with footing blocks in front of them, the latter projecting about 0·60 m. Behind the orthostatic slabs is packing, and then a second line of slabs. This method of construction may be most clearly seen between the two entrances. Here we find, at about 0·90 m. below the modern ground level, the large, flat footing blocks carrying the orthostatic slabs of the front line over a depression in the rock. In the

first foot of earth under the blocks, pottery and bones were found, while the next layer down to the rock, 0·50 m. thick, is the natural red virgin earth and contains no extraneous objects. One of the orthostatic slabs of the façade here measures 2·00 m. in length, 0·63 m. in thickness, and 0·99 m. in height: the top, however, is broken off, as is the case with all the slabs of the façade, so that the original height is uncertain. The fallen stones, some of which were found lying in front of the slab at this point, belong probably to the upper portion. Behind this slab is a space about 0·50 m. in width, which was packed with stones and earth, the latter containing some pottery, and beyond it again another slab 0·50 m. in thickness. Behind the second slab, between it and and the back of the wall of the apse G, is a further space about 0·75 m. in width, also filled with a packing of earth and stones. This was excavated by us: some pottery was found in it, and, at a depth of about 1·05 m. below the modern ground level, a considerable quantity of animals' bones. The rock was reached at 0·23 m. further down.

The front wall is thus of somewhat different construction from those of the other three great sanctuaries of the Maltese group of islands: the interval between the outer and the inner walls is some 3·30 m., not quite so great as at the Gigantia, 3·50 to 4 m., but about the same as that in the older portion of Mnaidra and at Hagiar Kim; but instead of its being entirely filled with smaller stones and earth, there is a second line of orthostatic slabs, as is the case at Hagiar Kim on the right of the entrance into A.

On the S.W. of the doorway into C, one of the large orthostatic slabs of the upper part of the façade had fallen, and lay in front of the entrance. The slabs of the lower part have been much broken on this side, though they are still *in situ*. The western portion of the façade beyond this point is somewhat more ruined, though two of the large footing blocks can be recognized. It is probable that J is a later addition, and that the massive façade never extended so far; for it is certainly asymmetrical.

The area[1] in front of the façade enclosed by its projecting wings was paved with small slabs of stone (Pl. VI.). This paving is (except for a small portion of it at *a* which was inadvertently removed during excavation) perfectly preserved at the eastern extremity; and here are a few blocks of

[1] For the area in front of the Gigantia cf. Mayr *op. cit.* 654, 14. There is a similar paved area in front of Mnaidra, which was cleared during the excavations of 1910 (cf. *infra*, 94).

an edging 0·23 m. in width, rising about 0·10 m. above the level of the pavement (see Pl. IV. Fig. 2). This edging was not traceable further to the W., but so far as it was preserved it followed a regular curve.

In the western portion of the area the pavement has disappeared, and nothing is left but the smaller stones or cobbles which probably formed its bed. This, outside J, seems to have been some 0·60 m. thick, while in front of the entrance to C, the rock was reached at 0·81 m. below the level of the doorstep.

Among the pottery found in this front area, the pavement of which lay from 0·15 to 0·41 m. below the modern ground level, were some fragments of a dish in red, slightly glazed pottery of the Roman period, of the kind known to English archaeologists as imitation or false Samian ware.

The other external walls of the building are built upon a less substantial scale, and it is very possible that the northern encircling wall was destroyed to allow of the addition of the rooms on the N. That to the W. and N.W. outside F, E, H, is constructed on the same principle as the façade, with a double line of orthostatic slabs, with packing between them, and packing again between the inner line and the inner walls of these rooms, while that on the E. is constructed of much smaller stones. It is not very clearly traceable outside N, but outside A it can be easily recognized. It is here a double wall of small stones, with filling between them of considerable width, so that it may well have risen to some height, though it is now preserved only to a height of a single block of stone (see below).

A considerable number of loose stones were found immediately outside it, and in tracing the line of the wall, under some of these stones, a small shaft cut in the rock was found. It is 1 m. in depth, 1·31 m. long, and 0·40 m. wide at the top; and diminishes to 0·66 m. long, and 0·37 m. wide at the bottom. Its purpose is uncertain: it contained dark reddish earth which was carefully examined. A small amount of pottery, later than that found in the building itself, was discovered, but no bones, neither human nor animal. As it is certainly of later date, its presence is a convincing proof that the line of the outer wall was correctly recognized, and that the stones which lie outside it are mere debris.

The natural rock was found close to the surface on all sides of the building, at a depth varying as a rule from 0·15 to 0·60 m. It comes to the surface at a little distance on the S. and W., and on the E. is only

some 0·15 m. below it. On the S. the greatest depth of soil (0·45 m. to 1·07 m.) occurs, and here a considerable amount of pottery was found, and also a curious rock ledge, with an edging so regular as to seem artificial. Further S., however, the rock comes right up to the surface of the field.

We now turn to the interior of the building. The south-eastern portion of it (A B) is accessible from the S. only by an entrance in the façade. The inner doorway is 1·17 m. in width, but that of the outer one is somewhat greater, for while on the S.E. the corner block is flush with the inner doorway, on the S.W. there is no vertical slab, but a little paving of small slabs at a slightly lower level than the outer threshold, and outside the line of the inner door. Beyond this slab paving is the great block *a'* at the angle of the entrance and the façade, 1·82 m. in length along the front, and 1·17 m. in depth, the original height being, as usual, uncertain. The outer threshold, of small stones, is 0·08 m. below the level of the inner one, which consists of a single slab, but in the intervening space no pavement was found, and the thin, well smoothed blocks which line the side of it descend to a depth of about 0·45 m. more. Large loose stones were found in this space. Whether, therefore, there was a step down and up again is doubtful; but it is much more probable that a floor has perished or been removed.

On the inner sill, and rising to 0·40 m. above it a later filling was found, consisting of a thin wall of a single line of small stones on the inner side, packed with earth on the outer side. On the right of the sill is a smooth vertical slab, while on the left is a rough, almost unworked block, *c*, with the characteristic ropeholes (see Mayr, *op. cit.* 653, 12; 675, 44), which were visible above the ground level before the excavations were begun.

The doorway leads into a space from which open out two roughly circular rooms A B. Immediately in front of the sill and about 0·13 m. below it is a good floor of pounded limestone (known locally as 'torba') only traceable in this place; and in front of it again was a modern lime-kiln which occupied the N.E. portion of B but has now been removed. Its presence accounted for much of the destruction which the building has undergone; to provide material many of the blocks of the upper portion have been removed, while those of the lower have been broken and split with wedges, though in some cases the attempt to make use of them has been abandoned, as it proved too difficult to smash them up.

In the rest of B there seems to be a floor of hard earth about 0·30 m. thick, and about 0·30 m. above the torba floor in the doorway just mentioned: below it is a layer of loose stones 0·10 m. in thickness, below which again is the uneven rock bottom, to which in places small stones may be seen to have been fixed (cf. *supra*, p. 25).

Above this floor, up to within one foot of the modern ground level, the soil was loose, dark, and fine. In A the only floor to be found was the somewhat uneven natural rock.

In the W. portion of the wall of B is a projecting block of stone *b*, opposite to the large block *c*. The wall is preserved to a maximum height of 1·82 m. and an average height of 1·52 m. above the rock. It is built of large rough blocks below, and smaller ones above: the work is very irregular, and there is no trace of coursing.

In A the wall is faced with slightly more regular slabs, about 0·90 m. in height, nothing being preserved above them. In one of them on the S. (*c'*) is a rope hole through the corner.

There is no access from A B to any other part of the building, and we must therefore return to the outside to visit the western group, which lies immediately to the west of B, and is the most important part of the edifice.

The approach to it is by a doorway in the main façade. There is a narrow doorstep, 0·28 m. wide, on the level of the footing blocks of the front, and then a threshold formed of a block of stone, broken in two, 1·53 m. wide and 0·15 m. across, rising 0·38 m. above the doorsteps both outside and inside.

In the doorway was found a stone pounder of triangular form, 0·052 m. in height, 0·08 m. along the base, and 0·035 m. thick, with a round hole pierced through it (*infra*, p. 49, No. 9). 0·08 m. below the inner step is the slab floor of the corridor C, which is 1·93 m. long and 1·44 m. wide, and is lined on each side with smooth-faced orthostatic slabs, rising to a height of 1·35 m., and apparently no higher in antiquity.

At the end of it is another threshold 1·35 m. wide, 0·15 m. across, and 0·20 m. above the floor level. (Compare the raised threshold in the East Building, leading into D, *supra*, p. 22). The slab on the right has been cracked through horizontally by the weight of the wall behind it, and repaired after excavation. That on the left has a hole for a rope through its north-west angle almost at ground level, the external diameter

of which is 0·15 m. Beyond this threshold the passage (Pl. VII. Fig. 1) widens out to 2·25 m. and there is a large orthostatic slab (*dd*) on each side ; there is a round hole through each of them for fixing a bar, 0·25 m. in diameter on the right, and 0·20 m. in diameter on the left (Mayr, *op. cit.*, 653, 12 ; 675, 44). Both of these slabs have been cracked by wedges at the top, the intention being no doubt to break them up. These two slabs have also smaller rope holes low down, that on the left having two (the lower of which goes right through to the inner side of F, and that on the right, one (Mayr, *op. cit.* 681, 52). The former is supported at the base by a slab which lies on the pavement, and rises 0·28 m. above it. Next to it is a narrow pillar-like block, similarly supported, and forming a portion of the N.E. wall of F. Here was found a fragment of a pillar, 0·20 m. high, as preserved, and from 0·15 to 0·18 m. in diameter, with the usual slight circular depression in the unbroken surface (*infra*, p. 48, No. 3).

The passage enters D in the centre of its south side opposite the doorway leading into the apse H. It seems almost certain that D, E, F, G originally formed one large chamber, more or less oval in shape, and thus resembling the large areas, which are found in pairs in other prehistoric sanctuaries of the island : the apse, H, opposite the entrance, is of course much larger in proportion than the niche which in the other buildings occupies that position. At a subsequent period, the larger western apse was subdivided into the chambers E and F, D and G remaining unaltered.

D is thus a trapezoidal space, paved with slabs of stone, and serving as a kind of anteroom or forecourt to the three apses on its three sides. The flooring is well preserved over the whole extent of the room, and is on a level with that of the entrance passage. A number of small pebbles (not beads, for they have no string holes) about 0·002 m. in diameter, were found about 0·60 m. above the floor. On the right (east) side is the apse G, separated from D by a low wall formed of a single line of blocks, averaging 0·50 to 0·65 m. high, and 0·30 m. thick, as in the Gigantia (A, B, E). There is no regular passage way through it, nor is there a slab with a window-like opening in it, such as we see in Hagiar Kim (A). This apse is back to back with B, and the construction of its inner wall is similar to that of the inner wall of B, though it is preserved to a slightly greater height, about 1·80 m. (the two faces are 2·20 m. apart, the interval being filled with earth and stones), it being mainly composed of large blocks

below, and smaller ones above it. A pillar-like stone, 1·60 m. high, occurs in one place, with walling of small stones on each side of it (was a niche filled up here ?). In another place, a large block is still to be seen *in situ*, projecting considerably: it was kept in place by the weight of the blocks above it. The roof was probably a beehive roof, like those of the nuraghi of Sardinia; and the large blocks which have been found lying loose in some of these rooms[1], belonged, no doubt, to the upper part of the walls. They have been replaced upon them by us for convenience. Whether, in this and the other sanctuaries of the Maltese group, the apses alone were roofed with stone, is uncertain; but to those who are familiar with the architecture of the nuraghi of Sardinia, and still more with Hal Saflieni, it does not seem at all impossible, though Mayr will have nothing to say to the idea (*op. cit.* 681, 51; cf. *I.M.* 29).

The floor of the room is of torba 0·05 m. thick, with a layer of stones 0·05 m. thick below: in some parts of the room, a layer of small stones, just above the torba, about 0·10 m. thick, may be seen, and above it a layer of black earth about 0·05 m. thick.

Some 1 m. above the level of this floor, in the northern portion of the room, a human skeleton was found, with the bones in utter disorder (this was carefully noted by Prof. Zammit, who was present at its discovery), and an old break in the lower jaw. It is thus practically certain that it was a burial belonging to a period far later than the building.

At about the same level was found a stone 0·20 m. by 0·19 m. with a hole in it (*infra*, p. 49, No. 7).

In the extreme south-west corner we observe the bar hole of the entrance passage already mentioned.

Leaving G we re-enter D and find H on our right: the latter is, like G, separated from D by a low wall 1·02 m. in height and 0·76 m. in thickness, of small irregular coursed masonry: some of the blocks are only 0·15 m. in height.

There is a regularly formed doorway in the centre 0·74 m. in width, with a standing slab on each side of it. The level of the threshold is 0·38 m. above the level of the floors of D and H, and in D, along the line of this wall, and along part of the line of the low wall which shuts off G, may be seen some flat slabs at this level, *e*, which probably served as a bench or

[1] Some of those in G had stone wedges lying under them, as though they had been moved comparatively recently.

step. Same loose stones were found at about the same level in the centre of D, but that there was a higher pavement over the whole room is improbable, as it would not have agreed with the level of the pavement in the entrance passage nor with that of the doorway into F, though, on the other hand, it would have been flush with the stone which lies on the east side of the trough (see below).

The walls of H are of similar construction to those of G, and are preserved to a maximum height of some 1·50 m. above the floor, which is of torba, resting on the rock, at a level of 0·57 m. below the threshold of the entrance. On the floor level was found a small round limestone button, (*infra*, p. 50, No. 1), and a pear-shaped mace head of white marble, perforated at the smaller end (*infra*, p. 49, No. 12).

Some 0·90 m. above the floor a small stone trough *f* rather damaged, and oval in shape, measuring 0·68 m. by 0·37 m. inside was found, resting upon the earth. On this level a quantity of animals' bones were found. A line of vertical slabs enclosed a small niche or chamber I, the entrance to which was, however, blocked by a slab *l* placed between the two pillar stones which formed its sides. In it there was a hard layer of earth 1·07 m. below the modern ground level, which was about 0·15 m. thick and contained much pottery: below it was the rock. It projected only about 0·38 m. from the back of the slab dividing I from H.

Returning into D, we now examine the portion on the W. opposite G. It has been already suggested that this was originally one apse: it has been divided into two parts by a straight wall running from E. to W. At the N. extremity of this partition wall is a standing stone *g* (at the foot of which in D is a slab, serving to support it at the base), and at the N. extremity of the apse another, *h*, the latter being, perhaps, part of the original construction. Between them lengthwise, though they are not placed symmetrically in regard to it, lies a remarkable trough (Pl. VII. Fig. 2), cut out of a single boat-shaped block of Malta hard stone 2·66 m. in length, 1·11 m. in width, and 0·55 m. in thickness. The trough is divided by cross divisions into seven compartments; the total depth of each of these from the top surface of the slab is 0·34 m. and from the top of the cross divisions 0·18 m. It was found almost entire, only a small piece being broken off near the N.E. angle: a fragment of this was found by us in F and replaced, but soon removed by some modern vandal.

The smaller compartments and the cross divisions alike show

considerable traces of rubbing, being quite smooth, and it seems possible that it had been used for grinding corn or grain. In one of the compartments, indeed, a stone rubber was actually found. The earth in the trough, as in the one in H, was harder, but probably only owing to its consolidation in this place, and not to any difference in its nature.

This supposition would explain the fact that the slab *m* on the E. side of the trough, which has been partly broken, has a narrow edging on the E. and S., 0·065 m. wide by 0·025 m. high, as if to prevent the dispersal of whatever was ground or worked in the trough.

As we have already seen, the surface of this slab is 0·38 m. above the level of the floor of D ; but it is, for the reasons already given, difficult to suppose the existence of a later floor in D at this level.

One half of the space E to the W. of the trough was carefully excavated, and probable traces of an earth floor were found flush with the upper surface of the block in which it is carved ; while a probable floor of small stones about 0·12 m. thick (with much pottery just above it) was found at about 0·90 m. lower down, or some 1·80 m. below the modern ground level. This is flush with the bottom of the large slabs of the apse wall.

Below this floor was the reddish virgin soil, and 0·30 m. lower again the natural rock.

The other half of the space was not excavated below the level of the top of the trough, so as not to endanger the stability of the trough, which is only supported by the earth.

For this reason it is impossible to see the greater part of the wall to the S. of the trough, which is, as has been said, probably a later addition : its lower portion can, however, be seen in room F (Pl. VIII. Fig. 1). Here it is found to be constructed of fairly well cut, roughly rectangular slabs set upright, 1·06 m. high, with a foundation below them rising 0·23 m. above the floor, and coursed masonry above them, which is clearly inclined inwards : one course may be seen in F and two in E. This style of construction is seen nowhere else in the building, and approximates to that which is seen at Mnaidra in the north apse of E (Mayr, *op. cit.* 657, 18, cf. 675, 43), though it is far less careful. It forms another interesting example of the combination of orthostatic slabs and coursed masonry (Mackenzie, *cit. supra* 13), which may be observed in many other places in the Western Mediterranean (I may add to his list the prehistoric huts of

Lampedusa, cf. *Annals of Archaeology and Anthropology* (Liverpool) IV. (1911) 17), and in the British Isles. The room F itself is of irregular shape, being, as we have seen, probably fitted into a portion of an older apse.

It is entered only from D by a passage 0·96 m. to 1·06 m. in width: the threshold slab is 0·08 m. above the floor of D. The passage (Pl. VIII. Fig. 2) is formed by three pillar-like blocks on each side; the central one on each side is thinner, projects about 0·15 m. inwards, and stands upon a threshold block 0·23 m. thick and 0·08 m. high. With the lintel (now gone) in position above, this opening would have been similar to the door into H in Mnaidra, and have had the appearance of the window-like openings, often cut in flat slabs, which are so characteristic of the megalithic buildings of the Maltese group (Mayr, *op. cit.* 682, 52).

Beyond the threshold is another paving slab, and then comes a drop of 0·18–0·20 m. on to yet another, and a further drop of 0·15 m. on to the torba pavement of F.

The lintel blocks would have ensured the stability of the pillar-like blocks on each side of the doorway: they were further secured by stone wedges fixed in between them and the floor and base slabs. We found it necessary, however, to reset the three on the left of the passage: their stability was further secured by the re-erection of the block which we found lying inclined towards the east, it having fallen slightly from its original position. This was, however, quite clear from the existence of a hole 0·38 m. deep, 0·60 m. long, and 0·38 m. wide, in the floor of the room, while the bottom of the stone measures 0·51 m. by 0·35 m.

In clearing the hole we found the torba floor to be 0·05 m. thick; below came 0·12 m. of black earth, and then 0·20 m. of red virgin earth down to the rock. The hole was slightly enlarged, and the block cemented into it.

With the exception of the next block on the S.E. (mentioned *supra*, 40) there are no more of these pillar-like blocks in the walling of the room, and this seems another proof that the trough, the partition wall to the S. of it, and the passage leading into F are all additions of a latter date. The rest of the walls are formed of large slabs: that with the bar-hole across the main entrance (the next again to the S.E.) has been already referred to. On the south-east side was found a fragment of a column (no doubt a *baetylus*) similar to that discovered in the entrance passage, 0·14 m. high and 0·12 to 0·15 m. in diameter. In the only preserved end is a slight depression

0·075 m. in diameter, as is usual in these *baetyli*. Against the curved part of the walls of F were two niches (cf. Mayr, *op. cit.* 683, 53), formed by upright slabs and pillar-like stones. The easternmost of these, *i*, was covered by a slab 1·37 m. long by 1·01 m. wide by 0·18 m. thick: this was found lying *in situ*, but cracked in three pieces. It was supported by two small upright pillars 0·86 m. high, which stand close to, but detached from, the side walls, and by pressure against the side and back walls. A modern parallel, with which Professor Flinders Petrie has kindly furnished me, will be of interest. I quote his own words:—

> 'When passing through Bureyr in Palestine between Gaza and Askalon in 1891, I saw a small space, six or eight feet wide, fenced off from the road between the hovels of the people. The grass grew tall in it, quite untrodden. At one side against the side of a hovel were two stones or piles of stone supporting a stone slab, about two feet long, at about three feet from the ground. Upon the slab was a conical Roman corn-grinder. I could not get anyone to tell me about it, questions were ignored. My donkeyman later on treasured a conical corn-grinder found in my work at Tell Hesy, and carried it in the load for some days. He at last threw it away as too heavy. When asked why he had kept it, he said, "It was a good stone."'

The cover slab of the next niche, *j*, had been similarly supported, but was wanting: it might have measured about 2·25 m. long by 1·25 m. wide and its height must have been about 1 m. above the slab pavement of the niche, which is raised 0·075 m. above the torba floor of the room.

To the W. is a third niche, *k*, a good deal smaller, only 0·60 m. wide and deep: one side of it is formed by a pillar, k^1, which seems to be a part of the original structure (whereas the niches may very likely be posterior in date to it, as none of the stones tail back into the main walls), and the other by three stones placed one above the other, the middle one of which projects slightly inwards as if to support a shelf: this would have been 0·83 m. above the slab floor, which is 0·13 m. above the torba floor.

Inasmuch as the stability of these niches was largely maintained by their coverslabs, the pillar stones not being let into the floor, we found a certain amount of consolidation, mainly by cementing the bases of these stones, to be absolutely necessary, and this was carried out in such a manner as to be readily distinguishable from the old work.

The last 0·25 m. of soil above the floor in this room was yellowish brown (in contradistinction to the black fine earth, with considerable traces of burning, found above for about 0·45 m. as elsewhere in the building) and contained a very large quantity of pottery, all broken in ancient times, animals' bones, worked flints, etc. etc.

As we have already seen, J seems to have been separate from the rest of the building, and it was possibly a later addition. It was certainly only accessible from the S., but there are no remains of the entrance, the facade being entirely ruined at this point, and the line of its external wall is shown too definitely on the plan. The north-east side, on the other hand, is well preserved, and there seem to have been one or two niches (at *n*) against this wall. Here was found, loose, the only block with traces of the pit markings characteristic of the megalithic buildings of the Maltese group that has appeared in this building. It measures 1·06 m. long, 0·60 m. wide, 0·30 m. thick, and the ornamented surface (as at present preserved, but the block has been fractured) measures 0·40 m. long by 0·18 m. wide.

A part of the south-western wall is also preserved, to the height of one slab (about 0·60 m.) only, but its southern extremity is ruined. J′, at present almost entirely full of large loose blocks of stone, was entered from J.

The floor level is uncertain, only an isolated fragment of torba having been found at 0·60 m. below the modern ground level: this corresponds however with the bottom of the wall slabs, and must therefore be about on the original floor level. The rock is some 0·45 m. deeper.

In J, about 0·15 m. below the modern level, fragments of a modern bomb were found: the site is indeed said to have been used by the Maltese as a gun emplacement against the French who were holding Valletta in 1789.

The northern and eastern portions of the building are not preserved to so great a height, the walls existing only to a height of about 0·60 m. or a single block (and the blocks as in A are here more or less of the same height) above the floors, which are usually of torba.

An exception is formed by the room M, which lies to the N. of G, and has its S. wall back to back with it: this is preserved to a height of about 1·22 m. above the rock, which here has seemingly been levelled to form the floor. The eastern part of the wall has apparently been composed of or faced with thin slabs, which have fallen and been crushed under heavy

masses of stone from higher up the walls, possibly from the upper part of the S. wall: at the N.E. corner of the room is a doorway 0·73 m. in width with a threshold block 0·23 m. wide, on a level with the rock floor of the room. There is a rise of 0·15 m. to the next room to the N., L, which has a torba floor. The wall between M and L is only a single block thick, and whether, and, if so, how M was roofed is not altogether clear.

L leads into an irregular room Q, the walls of which appear to have been removed, To the N. of it a comparatively modern boundary wall runs N.E. and S.W.: its existence accounts for the destruction of much of this part of the building.

To the W. of L, and divided from it by a wall 1 m. wide, is another room K, with a torba floor 0·60 m. below the modern ground level. It, too, has lost portions of its walls.

To the E. of L and M is the space N, which was full of loose stones in such confusion that its plan and arrangements could not be ascertained. Immediately to the E. of the ruined E. wall of M, at from 0·60 to 1·20 m. below the modern level (at the latter depth is the rock) was a layer of fine black soil, in which was found a large quantity of pottery, worked flints, etc., and two elliptical sling-stones. (?) Further E. it was possible to recognize a hard clay floor, at about 0·75 m. to 0·90 m. below ground level, about 0·10 m. to 0·20 m. thick, with 0·08 m. of clay and soil below it: then came a layer of clay 0·02 m. thick, then 0·12 m. of soil, and then the rock: towards the N. these two floors appear to converge and then both disappear. The relation of these floors to the plan of the building has not been made out: the upper one is above the level of the floors of the southern and western portions of the building, but more on a level with that of the rooms to the E. and N. Nor was their existence noticed at the point where the large quantity of pottery alluded to was excavated.

In N indeed is a torba floor higher up still, 0·05 m. to 0·075 m. thick, with a layer of small stones from 0·05 to 0·23 m. deep below it: the rock is 0·50 m. down, and between the floor and the rock some pottery was found.

The exact extent of this floor cannot be determined with certainty, as it has perished a good deal, and the plan of the room can therefore not be determined by its means.

To the N.E. of it is a later wall of smaller stones to the E. of which are some ill-defined enclosures (at R) with a series of torba floors one

above the other, which seem to have been entered on the E., across a threshold slab.

To the N. of this later wall is the oval area O, with a torba floor 0·76 m. below the ground level: the thin upright slabs of the wall, which are about 0·60 m. high, rest upon a step of rock 0·53 m. below the modern ground level. It seems to have been divided into two by a low wall across its minor axis.

To the N.E. is the area P, with a torba floor 0·53 m. below the modern ground level. The walls of both of these areas are too thin for them to have been of any great height.

The whole building has now been enclosed by a boundary wall for its better preservation.

VI.—CORRADINO HILL: SOUTH BUILDING: Pottery and small objects.

Objects of Stone.

All objects meant to be used as implements or missiles were made of hard limestone from the Upper or the Lower Coralline Limestone beds. Larger objects not meant for use were made of the soft Globigerina limestone which lies between the two Coralline beds.

(1) A cylindrical pillar of limestone, 80 cm. long and 25 in diameter. The surface of the stone is roughly finished off and both ends of the pillar are, as usual in these megalithic buildings, slightly concave.

(2) Cylindrical pillar of limestone, slightly narrower in the centre than at the ends. Length 40 cm., diameter of ends 25 cm. Ends flat.

(3) Fragments of similar pillars.

(4) Portions of large circular and elliptical tanks of the usual type. The working is fairly careful inside but on the outside the tanks are merely rough hewn.

(5) Several flat slabs of hard stone used for grinding on and smaller pieces used for grinding with [note a shaped grinder (?) Pl. IX. Fig. 4].

(6) Flattish pieces of hard limestone each with a circular depression about 5–8 cm. in diameter [Pl. IX. Fig. 5]. These doubtless served as mortars, while some of the many smooth pebbles found on the site were used as pestles.

(7) Several natural stones of no fixed shape each pierced with a hole some 2 cm. in diameter [Pl. IX. Fig. 2].

(8) Pieces of a rough limestone ring 12–15 cm. in diameter. Similar rings occur at Hagiar Kim and Mnaidra [cf. *infra*, 87, 99].

(9) A large triangular pounder of hard limestone, 19 cm. high, with a hole near the apex and a broad slightly convex base. A smaller example [Pl. IX. Fig. 9] is only 52 mm. in height.

(10) A number of spherical stones of hard limestone, average diameter 5 cm. [Pl. IX. Fig. 8]. These may have been used as sling-stones. Some larger examples (diameter 7–8 cm.) seem too heavy for this purpose.

(11) A number of the usual Maltese 'sling-stones' of hard limestone, ellipsoidal in shape, with pointed ends. Average length 6 cm.

(12) A fine pear-shaped mace head of semi-transparent white marble, length 44 mm. One side is rather flattened, so that the section is not a perfect circle. The hole, bored from both ends, is very narrow and does not meet accurately in the middle so that it is difficult to see how the head was ever hafted firmly enough to be of service [Pl. IX. Fig. 3].

(13) *Objects of flint and chert.*

The flint of Malta is poor, and did not lend itself to fine working. The cores seem to have been remarkably thin and there are few implements which do not shew part of the outer surface. Many of the scrapers are of chert. Work is always confined to the edges.

A. Scrapers with a single worked edge.

(*a*) The under face shows the bulb of percussion and is entirely unworked. The upper is usually the outside of the core. The work is limited to fine retouching on one curving edge. Some examples are extremely thick. Most are clearly right-handed and have a convenient blunt rest for the fore-finger, but a few are fitted to the left hand. The outline of the implement roughly resembles a sector of a circle [Pl. X. Figs. 6 and 15].

(*b*) A slight deviation from the type is seen in certain flints shaped like a small segment of a circle, the part representing the chord being formed by a plane at right angles to the plane of the flat core [Pl. X. Figs. 3 and 12].

B. Scrapers worked all round or nearly so.

These differ from A in that the working is not confined to a single curved edge but extends almost all round the flint. The shapes vary.

(*a*) Roughly circular [cf. Pl. X. Fig. 9].

(*b*) Triangular, worked on two edges. One fine example 60 mm. in length and of very thin flint looks almost like a lance head [Pl. X. Figs. 5 and 11].

(*c*) Long and narrow rectangular, worked on two long and one of the short faces [Pl. X. Figs. 2, 8, and 14].

C. Flakes, practically unworked.

(*a*) Roughly triangular flakes with one sharp point. No working [Pl. X. Fig. 1].

(*b*) Triangular pieces with a wedge-shaped point (*i.e.* a point formed by a dihedral angle). These are precisely similar to the *burin* of the Magdalénien period in France. They show no working [Pl. X. Figs. 4 and 10].

It is possible that these, of which there are four, were formed accidentally in breaking up flat cores to obtain scrapers of type A 2.

(*c*) Long thin flakes with three facets on the upper face [Pl. X. Fig. 7].

(*d*) Two examples of the last, retouched on one of the ends (*grattoir*) [Pl. X. Fig. 13].

(*e*) Small, thin, shapeless flakes, quite unworked, with one sharp edge which may just have been used for cutting.

The flint is that found in nodules in the Globigerina limestone which outcrops over two-thirds of both Malta and Gozo. The portions of the rock which surrounded these nodules when in position were often changed to chert. This was occasionally used for implements in place of flint, but it was ill adapted for flaking. In fracture it shows no bulb of percussion.

Miscellaneous small objects.

(1) Portion of a conical limestone button of the Hal Saflieni type.

(2) Two small borers of bone, both broken at the end.

(3) Two pieces of fossilized sharks'-teeth.

(4) An earthenware bobbin, 25 mm. in diameter at the ends and restricted at the centre, where it is pierced by a hole at right angles to its axis. (Cf. examples from Hal Saflieni [*Second Report*, Pl. XIII. Fig. 3], Hagiar Kim (*infra*, 89), and Mnaidra) [Pl. XXVII. Fig. 3] (*infra*, 103).[1]

(5) A small earthenware object shaped like a bulb with part of the stalk, height 35 mm.

The Pottery.

The pottery of Ix-Xaghra ta Cordin is the most extensive series as yet available from a Maltese site, some four hundred boxes having been gathered and examined. The majority of the fragments are unfortunately very small. It is all hand-made.

The numbers in round brackets refer to Professor Tagliaferro's classification of the Hal Saflieni pottery in the Liverpool *Annals of Archaeology and Anthropology*, Vol. III. In the present report the chief aim has been conciseness.

A. Rough faced wares (ornamented before firing).

(1) Unornamented[2] vases usually of large size (A 1).

Specially noticeable are several hundred of the rough open dishes with a low lip and notched rims, of which a complete example from Mnaidra has been restored [Pl. XXV. Fig. 2, No. 2].

(2) Scale ware. Clay and surface as usual, ornament in relief.

(*a*) Vertically fluted (C 4).

(*b*) Small overlapping fish scales (rare) [Pl. XII. Fig. 1].

(*c*) Large overlapping scales.

(*d*) Large veined leaves or scallops. In three fragments of a single vase, the leaves and veins are indicated in line alone, and there is no relief (cf. Santa Verna and Mnaidra).

(*e*) A great number of small vases of the open cup shape are of refined clay, have a yellow slip, and are ornamented with long parallel scales (C 8) [Pl. XII. Fig. 2].

In two fragments of this kind, the scales are arranged horizontally instead of vertically.

[1] I think these may all be votive models of stone table legs.—T. A.

[2] A piece of rough grained red ware has a five-pointed object in relief (cf. similar pieces from Hagiar Kim and Mnaidra, Pl. XVI. Fig. 1, No. 5; Pl. XXVI. Fig. 1, No. 15).

In a remarkable vase, with a rather flat bottom and a high vertical rim, the latter is of a scaly appearance, and is encrusted with a creamy white substance, while the bottom shows a rude curvilinear pattern incised before firing, and filled with a white paste.

(3) Pitted ware.

In some very coarse examples, all from one vase, the pits are made with a blunt stick end 8 mm. in diameter, and are so deep that their edges have risen and roughened the surface of the vase.

In the better examples. the surface is smooth, but has little or no polish, though the inside of the vase is occasionally polished. The pits are circular, elliptical, or linear. (B 2.)

The finest pieces of all have a slight polish, while the pits are in the form of crescents or mere punctures, occasionally filled with white.

(4) Studded ware.

(*a*) Mostly rough-faced reddish- or greyish-yellow ware with circular studs separately made and then stuck on.

(*b*) Fragments of three vases of good grey ware, with elliptical studs cut on the vase (cf. Santa Verna) and white filling in the interstices. The studs themselves are polished. One of these vases is an open flat bowl with a low vertical rim. The rim is studded, while the well polished bottom has an incised design of double-hatched festoons [Pl. IX. Fig. 6].

(5) Line ware.

Rough-faced ware, very rarely smoothed over, incised before firing. Design of parallel vertical lines set close together and often white-filled (G 17). Occasionally the lines are irregular in direction and even cross one another.

B. 'Maltese' slip ware.

For details of the clay and surface see Corradino East (*supra*, 30, 32) and Santa Verna (*infra*, 118). Unincised vases (E 10 and 11) are not very common. There is occasionally intentional coloration on the rim (cf. Santa Verna).

I. Vases incised after firing.

(1) Incisions are made with a fine but *blunt* point, and do not cut through the polish. They are often hardly visible. Simple curved designs.

The frequency of this type of ornament shows that it was not, as might have been imagined, a preliminary sketch, to be afterwards gone over in sharp incision.

(2) Incisions made with a fine *sharp* point, and sometimes white filled.

Often they are rectilinear, and consist of vertical parallel lines, single and double lattice (G 18), or hour-glass ornament.

Curved designs are more usual; festoons in single or double line, sometimes in opposed pairs, being common. But the design of at least two-thirds of the vases is founded upon a single element, the curved band of varying breadth. This is filled either with curved lines running in its own direction (Pl. XI. Figs. 14 and 17) or with single or double straight or slightly curved hatching (Pl. XI. Figs. 15, 16, 21, 23, and 25). These curved bands are often covered with bright red pigment. The covering of single lines of incision with colour is much rarer than at Hal Saflieni (G 21).

Occasionally the lines of the designs are some of them toothed (G 22) or the spaces between them are filled with dots (G 23). There is one fragment of a plate of the Hal Saflieni type (G 25 and 26).

The ornament consisting of a small circle at the extremity of a curved line is common.

(3) Incisions made with a *broad* sharp point.

These are not common in this ware. The typical curvilinear designs with hatching are occasionally incised in this way and we thus get a stage halfway between type B. I. 2 and B. II. 1. The best example is shown in Pl. IX. Fig. 1. The broad point is never used on fine small vases as it is at Santa Verna.

Occasionally this broad point is double, *i.e.* it consists of two fine points about a millimetre apart.

II. Vases incised before firing.

(1) Corradino incrusted ware.

This pottery, first noticed at Corradino West, occurs in such comparative profusion at Ix-Xaghra that it seems worth while to give it a name which will connect it with the Corradino buildings. The ware is the usual 'Maltese' slip ware and the colour is thus grey, brown, or reddish. The technique was never applied to small vases, as the depth of the incision would have weakened the thin walls. It may save confusion to remark

here that this fabric is clearly distinguishable from Bahria cut-out ware by its surface, which is harder and usually better polished, its designs, which are simpler and sometimes curvilinear, and its incrustation which is often heavier. The white on the Bahria vases is strictly speaking always a filling (*P.B.S.R.* v. p. 160).

The incisions may be divided into two types, the former narrow (about 2 mm. in width) and the latter wider (5 to 10 mm.) These last are used singly, or in pairs, chiefly to form bands beneath the rim of the vase [Pl. XI. Figs. 1, 4, and 11], whereas the narrower may be combined either in parallel groups beneath the rim or in various more elaborate designs [Pl. XI. Figs. 2, 5, 6, 7, 8, 9, 10, and 13]. In the case of simple rim ornament the incrustation covers not only the incisions but also the spaces between them [Pl. XI. Fig. 5]. (This is true incrustation as opposed to filling.) The outer band of a group is often set with fine oblique toothing on its outer edge [Pl. XI. Fig. 6].

The more advanced patterns are not complicated. They often reproduce, as far as is possible in this clumsy technique, the single-hatched curvilinear designs of the more usual incised ware B. I. 2 [Pl. XI. Fig. 7]. An arched pattern formed by a group of parallel curved lines or two thick bands is not uncommon [Pl. XI. Figs. 5, 6, and 8]. The most complicated design is that shown in Pl. XI. Fig. 2.

(2) Dot and line ware.

The vases are often large, and the surface never has more than a poor polish. The design is usually in curved lines, the spaces enclosed by them being filled with dots. White filling was probably universal.

III. Painted wares.

The ware is of the ordinary 'Maltese' slip type, and there is never any specially prepared or specially chosen light surface. The matt paint—if paint it can be called—is laid on in simple designs of wide or narrow bands. There are only twenty-two fragments in all. In five of these the paint is the usual red pigment, in the rest it is of a clay colour, which is often barely visible on the grey or brown surface of the vase. See Fig. 6.

This ware was found in several parts of the building, viz. in rooms B, N, G, F, H, and W. In H and W it was on the torba floors, in N there was a piece in the clay floor, and elsewhere it was always at least a metre

from the surface. It must, however, be remembered that in the higher levels rough usage under the hoe and the plough has spoilt the surface of most of the sherds, and paint would doubtless have disappeared.

C. Various wares.

(1) Four pieces of Bahria red ware (*P.B.S.R.* v. p. 156).

(2) A piece with a light slip identical with that of the Santa Verna painted ware Type C. 3. a.

(3) Pieces of a very large vase of a gritty yellow clay with a fine thick red polished slip which easily flakes off. This vase resembles no pottery as yet found elsewhere in Malta.

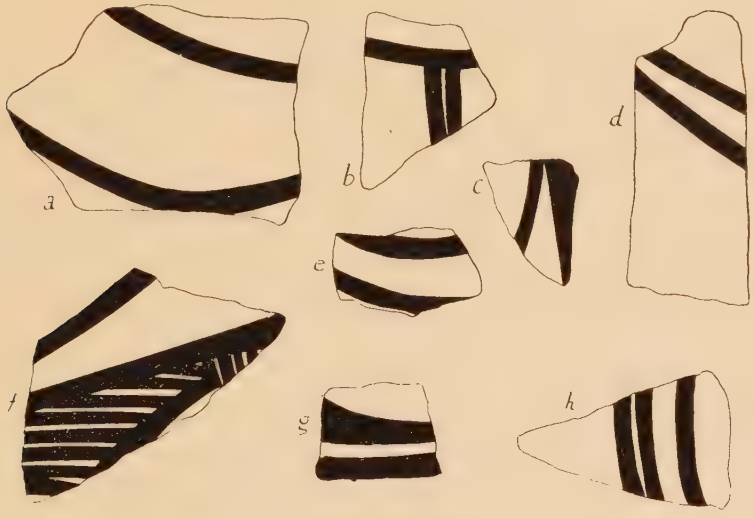


FIG. 6. (½)

The handles.

A. String-holes.

These are pierced, usually vertically, in a small ridge or knob on the body of the vase [Pl. XII. Fig. 13]; or the hole enters the vase-rim above and passes out on the side about a centimetre down.

B. Rope-holes.

(1) The tunnel-shaped [Pl. XII. Fig. 8].

A round hole from one to two cm. in diameter is made in the thickness of the vase wall, which sometimes bulges inside the vase for the purpose.

On the outside of the vase only the two round entrances, about 4 or 5 cm. apart, are visible.

(2) The tube handle [Pl. XII. Fig. 7].

A cylindrical tube of clay is applied horizontally to the body of the vase. The ends are often splayed out.

C. True handles. [Pl. XII]

These are never of the tall type usual at Bahria. Looked at from the side the great majority do not form a single curve but have a sharp angle.

(1) The top is flattened [Pl. XII. Figs. 9 and 10].

(2) The top is curved slightly down and the angle is very acute [Pl. XII. Fig. 3].

(3) The angle is shaped into a pyramid [Pl. XII. Figs. 19–22].

Rarely the top of the handle, instead of being broad as in the above, thins down as it rises and goes up to meet the vase in a sharp point [Pl. XII. Figs. 11 and 12].

There are three examples of projections attached to the tops of handles. Two are horn-shaped [Pl. XII. Figs. 17 and 18] and one is of axe form (*ad ascia*) [Pl. XII. Fig. 16]. The former belong to the so-called tongue-handled vases. (For shape of vase see Fig. 8 *e*.)

The forms of the vases.

Hitherto Maltese pottery has been known mainly from fragments and except at Hal Saflieni it has hardly been possible to judge of the shapes. The Corradino South material has changed all this. It is true that only one vase was found intact and that few have been completely restored from the fragments. This is due to the fact that we have no true floor deposits. Pieces of one and the same vase may be found at almost any level in the two metres of deposit and may even be distributed over various rooms. Nevertheless careful restoration has enabled us to recover with certainty a long series of forms. The largest fragments and the most complete were found between the two *torba* floors in P. When the lower *torba* wore out another was constructed over it, the two being separated by a layer of stones, soil, and potsherds. These last may have been added to the soil purposely, but they are so large and join up so well that they may conceivably represent a floor deposit belonging to the lower *torba*. They

include some of the best pieces of 'Maltese' slip ware yet found, fired to a uniform dark grey, ornamented with fine incisions, which are covered with red pigment.

The forms may be classified as follows:—

A. Open dishes or bowls, usually without handle.

There were a few fragments of the open Hal Saflieni plate (G 25). Fig. 7. *a* is a finely shaped bowl. It probably had no handle, but merely string-holes passing obliquely through purposely thickened parts of the rim.

Fig. 7. *b* has a turned up edge and rolled rim. Its remarkable ornament, a combination of stud and incision, is shown in Pl. IX. Fig. 6.

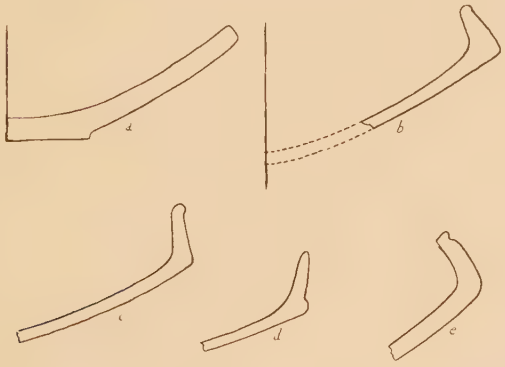


FIG. 7. (⅓)

Figs. 7. *c d* and *e*, are further examples. Of these *d* has a practically flat base and *e* has a turned in rim. All three are incised.

B. Bowls with a tall neck and a handle. Figs. 8. *a–e* and Pl. IX. Fig. 7 are the main varieties. Note the raised base in *d*.

d has a white incrusted scale pattern on its walls and a white-filled line pattern on the bottom.

e has a tongue handle which comes to a point. Pieces of such handles are seen in Pl. XII. Figs. 17 and 18. They are frequent at Mnaidra. Pl. IX. Fig. 7 is the commonest vase form in Malta. Most examples are at least twice as large as that shown here.

C. Bowls or cups with the neck turned inwards.

Fig. 9 is ornamented with fine incisions in the form of cross-lines.

Fig. 10 *a*, *b* were probably similar in form. They were not, as might appear at first sight, of the so-called 'lamp' form of Hal Saflieni.

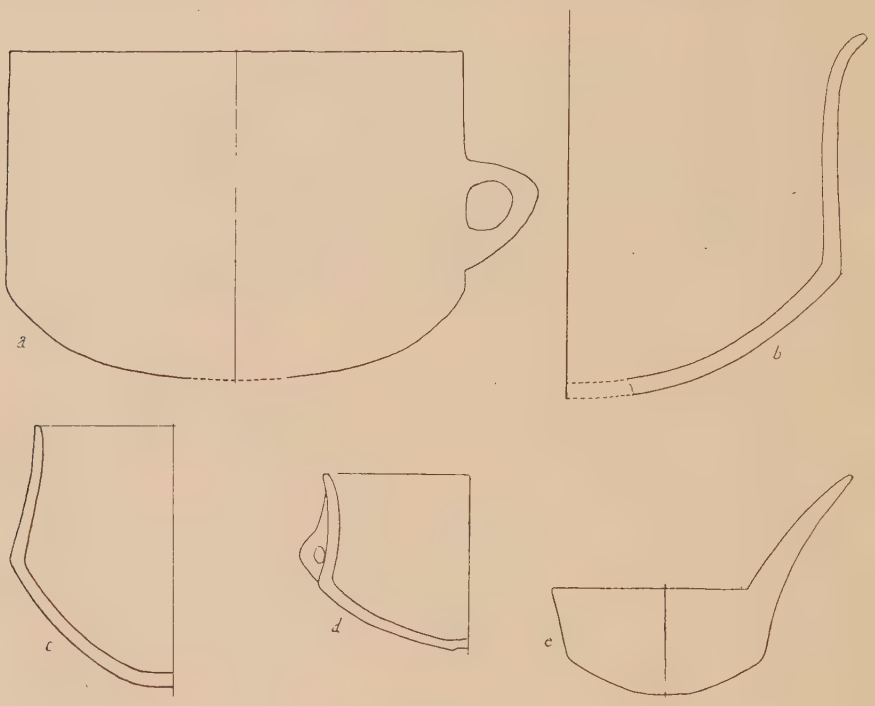


FIG. 8. ($\frac{3}{10}$)

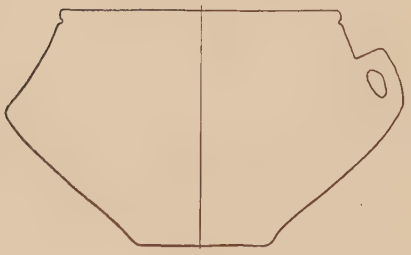


FIG. 9. ($\frac{1}{3}$)

FIG. 10 (*a* and *b*).

D. Globular vases with a narrow neck, and string-holes as handles.

Fig. 11 is a fine fragment of a large vase *a bottiglia* showing its ornament which is incised and red covered.

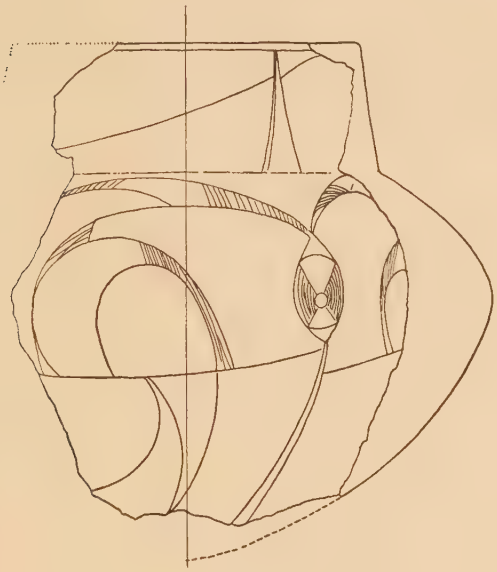


FIG. 11. ($\frac{1}{3}$)

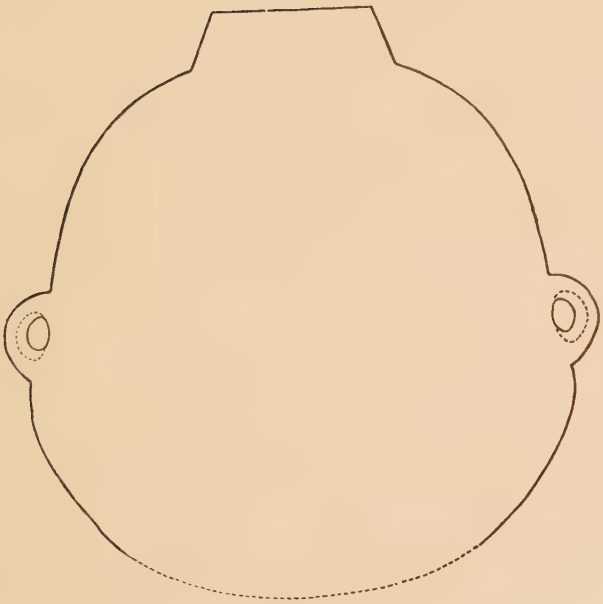


FIG. 12. ($\frac{1}{4}$)

Fig. 12 is a fine vase of rather soft clay with a good black surface and red covered incisions. Half of the design on the shoulder is shown developed in Fig. 13; the grace of the curves is quite remarkable.

FIG. 13. (¼)

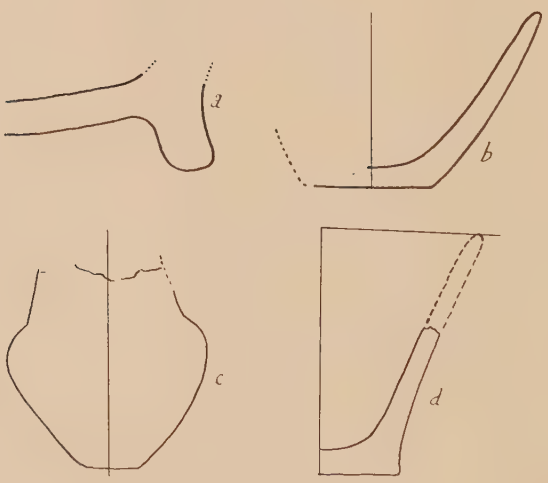


FIG. 14. (½)

E. Ring-footed vases.

Fig. 14*a* is a good example and there are several others. Nothing is known of the shapes.

F. Small rough vases.

Figs. 14 *b–d*, are the most complete examples.

It might have been expected that the great mass of pottery found at Corradino South would have thrown some new light on the comparative dating of Maltese wares. It is clear that among so many varieties, some must have begun earlier than others, and yet every new site excavated yields them all. Thus at Corradino South we have every type of prehistoric ware known, except Bahria cut-out ware and Santa Verna painted ware. This perhaps points to the fact that the Maltese buildings continued in use over long periods of time. In this case the comparison of the pottery from under the various successive floors of *torba* found at Corradino South might have been expected to give tangible results.

The best examples are:—

(1) A double torba floor in R.
(2) A clay floor in C.
(3) A torba floor in P.

Elaborate tests were made by the excavators themselves under and over each of these floors. In all cases the pottery from both positions was exactly alike, that is to say that no type occurred above which did not also occur under the floor and frequently in the floor itself, and similarly no type occurred under which did not also occur above. Moreover, in any one type, the specimens found above shewed no advance on those found beneath.

Thus all hopes of extracting any information as to the comparative dating of the various types were disappointed. One remarkable fact, however, was noticed. From the rarity of incrusted ware at Corradino East, it seemed possible that this ware belonged either to the beginning or the end of the period of habitation. The earlier date seemed confirmed when in the thick clay floor of N at Corradino South the ware was found to occur in proportionately very large quantities. One box of sherds from this floor yielded sixty-five examples, the average number per box over the whole site being less than two. It seemed not improbable that when the floor was made the pottery most in use was this incrusted ware.

Subsequent investigation, however, has suggested another possibility. The only parts of the site where the ware occurred with any frequency were N (under, in, and over floor), R (under *torbas*), M (seventy-two pieces

from a very small room), and two pits made early in the excavation, one of which lay over M and the other in or near N. In fact out of about 500 pieces found on the site at least 300 came from the small space MNR. This must be something more than mere coincidence. The space in question lies outside the main building, which clearly consists of the bi-apsidal AB and the tri-apsidal CDEFGH. This suggests the possibility that the smaller rooms K, L, M, N, O, P, Q, R, are a later annex to the main building and that they were still inhabited after the main part had gone out of use. In this case, the incrusted ware may be late and the clay floor in N might be a gradual growth. The floor is certainly very thick and varies considerably in colour and texture.

This, however, is conjecture, and the fact remains that we do not yet know the time-relation of incrusted to the other Maltese wares. The only piece of evidence we have is that three pieces of it occur at Santa Verna, which, judging by its painted pottery and its Bahria cut-out ware, would seem to be later than Corradino South. In any case incrusted ware ran in part parallel to the other incised type of Maltese slip ware, a fact which, apart from the occurrence of both together over and under floors, is clear from the similarity of the patterns. That the incrusted ware came into use later is possible, but not certain. In that case its absence from Hal Saflieni, which, with its Bahria cut-out ware and more advanced painted ware, must run later than Corradino South, is a puzzle. Even if it is a local product of Corradino, it is amazing that, while it reached Gozo (Santa Verna and Xeuchia), it failed to traverse the quarter of a mile that separates Corradino from Hal Saflieni.

VII.—HAGIAR KIM.

The object of the excavations of 1910 both at Hagiar Kim and at Mnaidra, which is only half a mile away down the hill, was to ascertain whether in the original excavations of both buildings in 1839 and 1840 under the direction of J. G. Vance,[1] and in the supplementary work at

[1] The bibliography given by Mayr, *P.M.* pp. 17, 28 notes = *V.D.* pp. 657, 664 is as follows: Houel, *op. cit.* Pl. CCLX. (I may add Bres, *Malta Antica Illustrata* (Rome, 1818), p. 137); La Marmora, in *Nouvelles Annales de l'Institut*, i. (1836), p. 32; (after the excavations) Vance, in *Archaeologia*, xxix. (1842), pp. 227 *sqq.* and Pll. XXIII.–XXVIII.; Lenormant, *Monuments Phéniciens*, in the *Revue générale de l'Architecture et des travaux publics*, ii. (1841), pp. 497 *sqq.* and

Hagiar Kim in 1885 under the direction of A. A. Caruana,[1] the ground plan had been completely discovered, or whether there were any additions to be made to it.

It was also necessary, inasmuch as previous explorers had unfortunately almost entirely neglected to preserve the small objects, and especially the pottery which they obviously had discovered, to attempt to remedy the deficiency. (Cf. *infra*, 71) 'No fragments of pottery, either from Hagiar Kim or Mnaidra, were ever exhibited in the Malta Museum between 1852 and 1902. It was only in the latter year, during the removal of the Museum to the new premises opposite St. John's Church, that two baskets full of fragments of pottery, found in a lumber room at the Public Library, were identified by the caretaker at Hagiar Kim as belonging to that prehistoric monument' (and as having been found, I may add, in 1885). See Tagliaferro in *Annals of Archaeology* iii. (Liverpool, 1910) p. 1; and *infra*, *loc. cit.* Finally, it was desired to carry out, with proper care, some absolutely necessary works of conservation and restoration.

In the course of ten days' work at each building satisfactory results were arrived at in all these respects.

At Hagiar Kim, so little alteration was made in the plan that it seemed unnecessary to make a new survey, and reference will therefore be made throughout to Mayr's plans (III., IV.)

Some trenching was done in the area to the S. of the building, as far as the Government boundary, along the line of which a new wall was erected.

The existence of a circular building was suspected at one point to the S. of the main building, where some large blocks of stone formed the

Pl. XXI. (the illustrations are very inadequate); H. Barth, in *Archäologische Zeitung*, 1848, pp. 346 *sqq.*, 362 *sqq.*, and *Wanderungen durch die Kustenländer des Mittelmeeres*, i. p. 210, n. 4; *Archaeological Journal*, ix. (1852), p. 299; H. Brunn, in *Bull. d. Ist.* 1858, p. 74; Waring, *Stone Monuments*, Pll. I. II. (who reproduces the illustrations from P. Furse's article in the *Transactions of the International Prehistoric Congress of* 1868 *at Norwich*, pp. 407 *sqq.*); Adams, *Nile Valley and Malta*, pp. 240 *sqq.*; Vassallo, *op. cit.* pp. 18 *sqq.*; Caruana, *Report*, pp. 9 *sqq.*; Perrot, *op. cit.* iii. pp. 300 *sqq.*

Mayr has not called attention to the following passage in Vance's report, which I give as it stands (p. 231): 'In those chambers which contained charcoal, or otherwise showed proofs of the use of fire, we generally found a round stone about one foot in height, and half a foot in diameter, with a hole drilled through the centre, decreasing gradually and slightly as it approached the bottom.'

[1] *Recent further Excavations of the Megalithic Antiquities of Hagiar Kim*, Malta, 1886.

base of a heap of smaller fragments, about 4 metres in diameter: on the S.W., a few of the blocks are apparently *in situ*, resting on the rock, which is only about 0·30 m. below the soil, while elsewhere these stones lie on the earth. Investigations within this space revealed only a few fragments of pottery.

Not far off, on the line of the new enclosure wall, we found a small cylindrical stone column, 0·50 m. in length, 0·17 m. in diameter at one end, 0·20 m. at the other. Between this heap of stones and the main building, going in a northerly direction, it was found that the rock, which elsewhere is from 0·30 to 0·60 m. below the surface, dipped slightly, and that this space was therefore paved with rough pieces of stone.

The soil resting on this rock was in great part thrown out from the main building when it was excavated, and numerous fragments of pottery were found.

A careful examination of the modern enclosure wall f_2, g_2, h_2, was undertaken, with the result that no evidence could be found for its antiquity, which is maintained by Caruana,[1] but rightly doubted by Mayr (674, 41). Some of the blocks on its N. side are set upon the rock, but on the S. it rests for the most part upon earth, while at f_2 it has been built upon two fallen pillar blocks, which probably belong to the S. termination of the W. wall of N.

At h_2 the rock was found to dip, but no finds were made, the virgin soil being reached at about 1 m. below the surface.

The space bounded by this wall f_2, g_2, the facade of the main building, the wall d_2, e_2, and the building N, was cleared down to the rock. A large quantity of animals' bones, pottery, flints, and other objects was found (we may note a bone brassard and a pendant of black stone (*infra*, 90)): the pottery was, unfortunately, all in fragments, as the depth of soil was only 0·60 m. at the most, while in some places it was as little as 0·15 m., and one could not help regretting that previous excavators had not done their work better. Some of the slabs in front of the entrance were lifted by Professor Zammit's orders, and under one of them a hollow was found.

The large slab at the right of the entrance (Caruana, *op. cit.* Pl. I.), broken into two pieces, was raised on pillars and put together (Pl. XIII. Fig. 1). It no doubt belonged, as Mayr thinks (672, 39), to the upper

[1] His idea (*op. cit.* p. 4) that the tall stones *i i* are the jambs of a passage leading to I and L Mayr's G and H) is impossible.

portion of the façade. A trial excavation in the earth on which it rests revealed no pottery or other objects.

There does not seem to be any more reason to accept Caruana's statement in regard to the wall d_2, e_2, than there was in regard to f_2, g_2. As Mayr remarks, Adams (*Nile Valley and Malta*, Pl. V.) shows flagstones instead of a wall at d_2, e_2, and we found on the S. side of this wall scanty remains of irregular paving[1]: so that we may conclude, with Mayr, that, while this space was certainly a kind of forecourt (though not so regular as that in front of the S.W. building on the hill of Corradino) it was not enclosed by walls.

It was ascertained that the foundation blocks of the façade do not extend further S.W. than is indicated in Mayr's plan, and that he has correctly shown the termination of the last block.

How the actual S. angle was formed is not quite clear, however, as we have here very small stones.

Abutting on the great slab w_1 Adams figures a small building *e*. This was said by Salvatore Ellul, the caretaker, to have been erected within his father's memory by the first excavators for their convenience; and it certainly has no characteristics of antiquity. Pottery was found under it, but only at a depth of 0·60 m., and the rock lay 0·20 m. lower down. It was ascertained that the foundation block outside w_1 was 0·49 m. thick: under it was another, 0·30 m. thick, and the rock lay 0·15 m. further down.

We may now turn to the interior of the building. Mayr supposes that A and B are the most primitive parts of it, B having undergone later modifications. Attempts were made to test this hypothesis by examination of the few places where soil still remained; but, for reasons which are explained below (p. 73), the attempt was unsuccessful; nor did the pottery, which was, in a few cases only, found under the torba floors give any sign of belonging to an earlier period.

A trial excavation was made in the S.W. apse of A, but almost without result: the torba floor is 0·12 m. thick, and in some parts lies close upon the rock, while elsewhere there is as much as 0·30 m. between them.

In the north-eastern apse Prof. Zammit had already found fragments of a stone basin, and a stone pillar 0·40 m. in height, and 0·22 m. in diameter at the ends, tapering slightly at the centre, of the type common

[1] Here we found a round flat stone, apparently worked, 0·42 m. in diameter and 0·14 m. thick.

in these megalithic buildings: their purpose (seats, altars for incense, supports for horizontal slabs?) is not in all cases altogether certain.

The earth which it contained was completely cleared: the rock level varied from 0.70 to 0·85 m. below that of the threshold of the opening in the slab *d* through which the apse is entered (Pl. XIII. Fig. 2).

On the N. side there is a small piece of torba flooring 0·05 m. thick, which lies about 0·55 m. above the rock level; while on the S.W. side, against the stone N.W. of *d*, there is a slab at a somewhat lower level, upon which stands a small block of stone forming part of the screen by which the apse is shut off, measuring 0·55 m. high, 0·40 m. wide, and 0·35 m. thick: the vertical face is extremely smooth and well worked. In the soil a good deal of pottery was found; but we were unable to trace the stones radiating from the apse originally dividing it into segments indicated by Caruana [Pl. II.].

In the central area of A, the paving slabs were 0·16 to 0·18 m. thick, and the rock lay 0·12 m. below them.

The N.E. apse of B, which I agree with Mayr in attributing to a reconstruction, owing to the care with which it is built, had already been cleared, the clay having been reached at once and no finds made. The large stone next to r^2, shown in Caruana's plan as needing restoration (the portion to be added being indicated in red) has now been completed by the addition of the original piece.

In a small excavation immediately to the N.W. of the slab marked *n*, a small stone pillar, exactly similar to that found in A, was discovered among the materials thrown in, apparently by previous excavators, to make a level floor. It was 0·47 m. in height and 0·23 m. in diameter at the top and bottom. Some pottery was also found in the first 0·30 m. of soil: below came clay for a depth of 0·14 m. and stones for 0·23 more, neither of these layers containing any pottery; and below was the solid rock.

A little to the N.W. the rock is only 0·20 m. below the surface, and in places comes to the actual ground level, so that it did not seem worth while to disturb the torba floor of the rest of the area B.

An excavation in the niche 3 (γ) revealed the torba floor 0·13 m. thick, under the surface soil: the rock was about the same distance below, and a little pottery was found in the earth which lay between. The table which was lying on the ground near this niche (Mayr, 668, 33) has been replaced by Prof. Zammit. C and D had already been excavated by him

and Mr. Peet, and the work is described in the following passage from the *Annual Report of the Curator of the Museum for* 1909–10, p. 4.

"The floor of these two small chambers was excavated. This was not the primitive floor of the rooms, but a layer of red soil untouched during previous excavations. The original 'torba' floor existed at a depth of about 15 cms. and it could be well followed in some places. A few blocks of stone which formed a kind of pavement proved to be the jambs and the lintel of a pretty doorway which must have stood between the rooms C and D.

The pillars of this doorway, about 1 m. high, are well cut and finished: the lintel fits the two pillars and has a double curvature one along the front and the other along the top. In front, the stones are carefully pitted with small regular holes.

As this doorway cannot be reconstructed on the spot and its exposure to the weather would certainly spoil the delicate surface of the stones, the Committee agreed to remove it to the Museum for preservation.

In the red soil, under the blocks of stone, potsherds of the best neolithic type were found, also some burnished and incised ware, and some particularly fine hobnailed pieces. Two bright red fragments of large vases are of special importance. A small black cup, whole and well preserved, was found: it is conical in shape but somewhat flattened, 4 cms. high and 6 cms. wide at the base, with a thickness of 1 cm. on the outside: it is studded with discs. Near this cup a conical hard stone object was found 31 cms. long and 18 cms. wide at the base, ending in a sharp point. An axe-shaped stone pendant was also obtained from the material similar to that found at Hal Saflieni, but it is of soft stone. It is 38 mm. long, 25 mm. wide at the base and 4 mm. thick: at the pointed end it is pierced with a narrow hole. Fragments of animal bones and teeth of pigs, oxen, and sheep, were found with the sherds.

A fine flint implement of a dark slate colour, oblong with slightly rounded corners, was found under the threshold. It is 11 cms. long, 20 mms. thick and 65 mm. wide."

The removal of the table *u* for restoration (it has now been replaced and mended) gave occasion for the discovery of more pottery, including half of a bowl, a good flint implement, and some bones of animals.

In F the torba floor was broken through in one place, between the door and the entrance to the niche 6 (ζ): it was found to be 0·09 m. (3½ inches)

thick, and below it were stones for a depth of 0·30 m. (one foot) closely packed. Among them was a small quantity of pottery, and in one place charred wood was found.

Below the stones was an earlier floor (?) layer only about 0·30 m. (1 foot) above the level of B, of soft earth 0·08 m. ($3\frac{1}{4}$ inches) thick, which contained only one or two pieces of pottery, and below this stones packed in for a depth of 0·27 m. (11 inches) again without pottery, and finally a layer of burnt earth resting on the rock, which is thus 0·74 m. ($2\frac{1}{2}$ feet) below the torba floor, and about on a level with the rock in B. The level of F has thus been artificially raised. The niche 2 (β) is indeed earlier in date than the steps leading into F, and the blocks of stone on each side of the entrance do not go below the level of the top step. The central slab, giving an entrance to the niche 6 (ζ) (Pl. XIV. Fig. 1) was restored by Professor Zammit. Investigations in this niche led to the discovery of some pottery which betrayed no signs of any difference in date from that discovered in the rest of the building, but the floor had been destroyed: the rock was reached 0·83 to 0·90 m. (2 feet 10 inches to 3 feet) below the threshold of the opening in the slab.

The question of the comparative date of A and F is not without difficulty. Mayr[1] (669, 676; 35, 45) maintains that the E. (N.E.) apse of F was never carried out, and that the W. (N.W.) apse of A, which is contiguous to it, is much earlier in date, belonging, indeed, to the most primitive part of the building. This view is not without difficulties: it seems curious that, if the building of the apse of F had been commenced and not completed, the part built with orthostatic slabs and ashlar masonry, which is actually in contact with the apse of A (Pl. XIV. Fig. 2), should have been begun before the demolition of the latter; and, there is no doubt that it would at first sight appear natural to suppose that the apse of F had actually existed, and had been demolished to permit of the construction of the apse of A. Against this, however, we must place the difference in the style of construction, that of A being a good deal more primitive, and the fact that the large niche 2 (β) in B presupposes the existence of A: we should also note the existence, in the stone next to d', on the N.E. side of the niche 6 (ζ), of a horizontal slit to support the upper slab of another niche: the other side of this slab must have rested against the wall of A.

[1] He omits to notice Caruana's statement (text, p. 5) that the pillar z was found in the niche 6 (ζ).

Trial investigations in G and H proved to be fruitless: the ground had apparently been already disturbed, and the rock was very soon reached. In G the slab *f* 1 (Mayr 671, 37) has been restored to its original position, and the small pillar-like stone on the N.W. removed; while in H the stones *e* 1, *r* 1, have been restored, a large block at the E. end, forming part of the partition between H and B, has been re-erected, and the doorposts of the inner doorway of H have been set up.

Mayr has failed to notice the holes in the upper surface of the large upright slabs in G and H, some 0·10 m. in diameter and 0·20 m. deep, which may have been lewis holes, or have served for fixing on other blocks above. Vance (p. 233) speaks of that on the top of the highest stone, but gives a fantastic explanation, comparing it to the small bowl or trough 'lying at the entrance at the outside of No. 1 chamber (A), which, by some oversight, is not given in the plan.'

3·45 metres to the W. of the threshold of H, two blocks of stone were found, 1·20 m. and 0·75 m. respectively in length, both 0·45 m. in width, and 0·38 m. in height. They lay outside the large foundation blocks marked in Mayr's plan, and may, I think, have been an outer threshold; while an irregular block to the S. of them, the top of which is broken off, may be the base of a doorpost. A trench was made about 6 yards further W. running N. and S., and carried 0·40 m. down to the red virgin soil, through the grey earth thrown out of the building by previous excavators; and a certain amount of pottery was found.

In I a layer of loose soil still remained, and it proved to be productive in the W. half of the room: among the finds was a very fine flint blade. Below this layer there was a torba floor 0·10 m. thick, and 0·23 m. further was the rock: the intervening layer of earth and stones contained a little pottery, and some burnt stuff. The pottery was of the same date as the rest and threw no light on Mayr's hypothesis (676, 45) that I belongs to the second period of the building. On the W. side of the doorway half a small pillar 0·38 m. high and 0·16 m. in diameter with a small cavity at the top, came to light as the result of cleaning: it was standing by the larger stones (not apparently *in situ*) and has been left there.

There is a small hole in the centre of *k'*, about 0·08 m. in diameter and 0·05 deep, and a double hole on the inner side.

Vassallo's plan does not clearly indicate the nature of the hole in front

of *k'*. As a fact, there is a shelf of rock 0·62 metre (2 feet 1 inch) below the upper surface of *k'*, with two holes (not one, as Mayr, 676, 44) cut in it, each about 0·30 m. in diameter at the top, decreasing to 0·15 (6 inches) at the bottom. They are 0·35 m. (1 foot 2 inches) and 0·38 m. (1 foot 3 inches) in depth respectively: the shelf is 1·30 m. (4 feet 4 inches) wide and 0·30 m. (1 foot) high.

There is not therefore any difficulty in supposing the existence of an intermediate step (Mayr 670, 36). The stone next to *l'* shown in the plan is no longer to be seen. In the stone behind *l'* are two double holes.

The two large stones on the W. side of the niche 7 (η), one of which has fine punctured ornaments, have been restored to their places, and some smaller repairs have been done in I and elsewhere. The slab dividing the niche 5 (ϵ) from 7 (η) shows traces of fire: it is marked in Vassallo's plan as restored (cf. Caruana's text 5). Experiments in consolidation with silicates have been tried with success throughout the building.

The E. half of the building W has fallen away, the rock being exposed to a level below that of the ancient floor: the heavy foundation blocks have disappeared, and the wall slabs have therefore fallen and are gone; but in the western portion torba floors are still preserved. In the southern room there is first a layer of rather rough torba 0·22 m. thick, then a thin earth layer, then stone packing 0·18 m. thick, then a layer of burnt earth 0·05 m. thick, then a layer of earth 0·12 m. thick resting on the rock (Pl. XIV. Fig. 3).

In the torba and in the stone packing large pieces of rough pottery were found, and in the latter was a perfect circular stone mortar. In the earth below a little pottery was found by sifting, but the stratification is merely a part of the construction. In the next room to the N. there was a layer of earth 0·20 to 0·25 m. thick which contained much pottery: then came the torba floor 0·12 m. thick, then a hard red earth layer 0·09 m. thick, with a little pottery, including one piece (black with deeply incised lines) such as was found at Corradino (*supra* pp. 33, 53), then came stones for about 0·14 m., then red earth for 0·19 m. down to the rock bottom—the last two layers contained hardly any pottery. In the next room (f (λ) on Mayr's plan) there was a torba floor at a slightly higher level, 0·07 m. thick, then a packing of stones down to the rock, which is some 0·15 to 0·35 m. below the bottom of the torba floor. Investigations were made in the S. room of N. and a certain amount of pottery was found, the rock being

reached 0·30 m. further down than the level previously excavated, this being 0·80 m. below the N.W. wall.

At Y are the much dilapidated remains of another building, the plan of which cannot now be ascertained.

At s_2 is a doorway opening S.W., with a standing slab on the S.E. side of it, and a paving of slabs 0·30 m. thick resting upon the rock.

Despite the fact that here there is only about 0·30 m. of soil, a very large quantity of pottery (often very rotten from exposure to moisture), flints, bones, etc., has been found within this area.

We may notice half of a circular stone basin 0·45 m. in external, and 0·34 m. in internal diameter, 0·29 m. high outside, and 0·22 m. inside, and a large oval stone measuring 0·45 by 0·37 m. Trenches were also made in the space between W, Y, and the main building: the rock was reached about 0·60 m. down, and there was very little pottery.

The large blocks at the base of the wall r_2, s_2, seemed to be *in situ*; but I agree with Mayr (674, 42) in considering the antiquity of all the walls which connect these buildings, and which are now mere field walls, to be extremely doubtful.

VIII.—POTTERY AND SMALL OBJECTS FOUND AT HAGIAR KIM.

Introduction.

Before the excavations carried out at Hagiar Kim during the spring of 1910, little was known about the pottery which had been found there at various times.

The first excavations were made in 1839, by J. G. Vance, but in his report, published in 1842, in *Archaeologia* XXIX., the only mention of the pottery found is contained in these few words (p. 229):—'Many fragments of very ancient pottery in the shapes of bowls, small jugs, lamps, and other utensils.' Mr. (afterwards Sir) Charles Newton in *Travels and Discoveries in the Levant*, Vol. I. p. 6, gives the following account of the quality of the fragments of pottery from Hagiar Kim and Mnaidra, of which he dispatched (in 1852) two cart-loads to the Museum at Valletta. 'The pottery I found to be of several kinds: black ware of a heavy brittle kind and ornamented with rude rows of notches or indented triangular marks, finer black ware, less brittle and more polished; coarse red ware, and

coarse and fine drab ware. Some of the finer black and drab ware had incised patterns of the rudest kind. All the varieties seem to have been baked in the fire, and have a polished surface': this account, although too short, is, on the whole, correct.

The late Dr. A. A. Caruana in *Further Excavations in the Megalithic Antiquities of Hagiar Kim*, p. 4, speaks in vague terms of 'Fragments of vases of many different forms, some worked with the chisel and some ornamented in relief,' found by him in 1885.

Dr. Albert Mayr collected at Hagiar Kim fragments of pottery of a fine clay, having a grey and well glazed surface, sometimes ornamented with incised punctuations (pit-markings) and linear design. (*V.D.* 86= *P.M.* 703) Cf. also the 'Annual Report of the Curator of the Museum for 1910' (quoted *supra*, 67).

The above quotations contain all that was written on the pottery from Hagiar Kim up to 1910.

I wrote a short preliminary Report on the pottery found in that year, which appeared in the *Bulletin of the Malta Historical and Scientific Society* for April, 1911. That Report is to be considered as superseded by the present one.

The whole of the pottery found during the recent excavations was in a fragmentary state. Not a single vase was whole, although in a large number of cases the shapes of the vases, and often their dimensions, could be easily deduced from the sherds and often the number of sherds was very large indeed: they filled upwards of eighty boxes, large and small, which were removed to the Valletta Museum.

A considerable number were ornamented with reliefs, pit-markings, studs, or incisions; but the number of unornamented sherds was much larger. It is safe to state that the number of ornamented sherds did not exceed one-tenth of the whole number.

A cursory examination of the qualities of the ware and of the various styles of decoration reveals the fact of a great similarity between the pottery found at Hagiar Kim and that from Hal Saflieni. As a matter of fact, most of the classes in which the pottery from Hal Saflieni has been divided[1] were more or less represented at Hagiar Kim. In certain cases, as for instance in classes 3, 9, 20, more varieties were

[1] Vide 'The Prehistoric Pottery found in the Hypogeum at Hal Saflieni,' in vol. iii. (1910) of *Annals of Archaeology and Anthropology* (Liverpool), 1 *sqq.*

met with at Hagiar Kim, in other classes identical designs are of rare occurrence; but nobody can deny that on the whole the pottery from both monuments belongs to the same epoch. It is, however, probable that the quality of the ware and the style of decoration varied more with the uses to which the vases were destined than with the time in which they were used. So it is presumable that vases intended for ordinary domestic purposes were of a different material, shape and style of decoration from those destined for religious ceremonies, such as incense-burning or libations.

Had the excavations of Hagiar Kim in 1839 been conducted with the same care as those of 1910, it is probable that from the knowledge of the exact spot in which the various kinds of pottery were found, some reliable conclusion might have been arrived at as to the periods in which the different kinds of pottery had been used.

But hardly any importance appears to have been attached, seventy years ago, to the potsherds that were accidentally met with during the excavations. The material extracted from the various areas and rooms was considered as rubbish, and, without being sifted, was removed to places in proximity to the monument and left there in heaps or mounds. It was only after many years had elapsed that it was spread for agricultural purposes over the adjoining rocks, which were thus converted into arable land.

When seventy years later, the excavations were carried out on scientific principles, it was not possible, in many instances, to determine the exact spot where the potsherds had been originally deposited.[1]

In consequence of this uncertainty it is not safe to draw from the places where the various kinds of pottery were found in 1910 any reliable inference as to the relative age of the different chambers or areas of which the spacious monument is composed. The relative age may possibly be deduced from architectural or structural considerations.

When an attempt was made at piecing together suitable sherds belonging to the same class, with a view to reconstructing the vases to which the sherds belonged, as was done at Hal Saflieni, an unexpected and

[1] In confirmation of this view I may state that in a corner of one of the rooms several fragments of a large stone basin, 79 cm. in diameter and 41·5 cm. high, were found by Professor Zammit in 1909. Those fragments were easily pieced together, and the vase was nearly complete, but for the absence of a few fragments, which, after some time, were accidentally found in two different heaps of stones and rubbish at some distance from the main building.

insurmountable difficulty was encountered which prevented the continuation of the work. That difficulty arose from the fact that a very large number of sherds of the same class belonged to different vases and consequently only very few could be found belonging to the same vase, very often two or three. This is due to the great loss of potsherds attributable to several causes. First of all, as already stated, very little, if any importance was attached to potsherds in 1839, when the first excavations were carried out. The late Dr. Caruana,[1] speaking of those excavations, says: 'After clearing all around the exterior envelope of the Main Edifice of Hagiar Kim and removing the rubbish which choked some of the cavities, the principal areas and several minor appendant enclosures branching off, the explorers were satisfied that the excavations were complete.'

As no care seems to have been taken in examining and sifting the *rubbish*, it is presumable that a large amount of valuable sherds have been thrown away and irretrievably lost.

Moveover, the two cart-loads mentioned by Sir Charles Newton, of which up to the present moment no trace has been found, probably contained only selected sherds, and thus an enormous amount of sherds was also lost.

Add to this that, for many years, in a tent raised in the immediate vicinity of the Megalithic monument valuable or curious objects found therein, among which were very likely whole vases, and later on also ornamented sherds, used to be offered for sale to tourists and other visitors.

All these causes led to the deplorable consequence that only a small percentage of the ornamented sherds originally existing at Hagiar Kim were recovered in the exhaustive excavations of 1910. To confirm the soundness of these views and at the same time to ascertain with some degree of approximation what was that percentage, a calculation was made on the sherds of three different classes: viz. the 3rd (ornamented with pit markings), the 9th (ornamented with studs), and the 18th (ornamented with incised lozenges).

In class 3 out of a total of 142 sherds from several places (*vide* annexed Schedule) no less than ninety-four belonged to different vases; so that, on an average, not more than one or two fragments of each

[1] *Further Excavations in the Megalithic Antiquities of Hagiar Kim*, § 4.

vase were recovered. Taking into account the size of the sherds and the probable size of the vases, deduced from the thickness and the curvature of the sherds, it may be safely inferred that not more than five or six per cent. of the original sherds of this class were recovered.

Practically to the same result led the calculation made on the sherds of class 18, where, out of eighty-eight sherds, sixty-two at least formed part of different vases.

A higher percentage (eight to ten) was obtained in class 9, where, out of sixty-two sherds, twenty-one belonged to different vases.

Similar calculations may be made in other classes where the style of decoration admits of distinguishing whether two sherds belong to the same vase or not. But the results arrived at in the above classes are sufficient to convey an idea of the small percentage of the ornamented sherds recovered and of the extreme difficulty and, in most cases, the utter impossibility of reconstructing, even partially, vases, as was done so successfully at Hal Saflieni.

With the object of giving a clear idea of the distribution of the various classes of sherds in the different places, in or around the monument, the annexed synoptic Schedule has been compiled. From a perusal of the Schedule it appears that, with the exception of the classes 12, 13, 14, 15 grouped as Section F (red ware variously ornamented), and of class 16 which consisted of only one large jar at Hal Saflieni, all the other classes from 1 to 24 are more or less fairly represented at Hagiar Kim, although distributed very unevenly.

A few remarks on each Class.

Class I.—Unornamented and unpolished ware.

A very large number of sherds, about 75% of the whole, belong to this class. The ware is generally coarse and thick; but a good number are thin and less coarse. As the fragments are for the most part small, the shape of the vases is, as a rule, undeterminable. However, fragments of large jars, jugs, basins, and pots of various sizes with flat bottoms and various shapes of handles, were easily distinguishable in many cases. They served evidently for ordinary household purposes.

A large basin, 68 cm. in diameter and 13 mm. thick, appears to have been the largest vessel in the whole collection.

SCHEDULE SHOWING THE DISTRIBUTION OF THE VARIOUS CLASSES OF POTTERY AT HAGIAR KIM.

Locality.	Section	A.	B.	C.	D.	E.	F.	G.
		Unornamented.	Pit-marking.	Relief.	Studs.	Polished.	Red ware.	Incised.
	Class	1	2. 3	4. 5. 6. 7. 8	9	10. 11	12. 13. 14. 15	16. 17. 18. 19 | 20. 21. 22. 23. 24
A. N.E. Apse		1	3	4. 6	...	10. 11	...	18. 20
,, S.W. Apse		1	...	...	...	10. 11	...	20
B.		1	3	4	...	10. 11	...	18. 20
B. Niche 3 (γ) in and under Torba floor		...	...	4. 7.	...	10. 11	...	,, 17. 20
Court		1	...	4. 5. 6. 7. 8	9	10. 11	...	,, 17. 18. 20. 23
Do. (inside wall of) West of Mod. Entrance		1	...	4	...	10. 11	...	,, 17. 20
Do. (outside) South		1	3	4. 5	...	10. 11	...	,, 17. 20
Outside New Entrance		1	3	4. 5. 6. 7	9	10. 11	13	,, 17. 18. 20. 21. 23
Outside the slab w_1		1	3	4	...	10. 11	...	,, 17.
I.		...	3	...	...	11	...	
I. (Above floor)		1	...	4. 5. 6. 7	...	10. 11	...	,, 17. 19. 20. 23
I. (Hole South of)		1	...	4	...	11	...	20
I. (Under Torba floor)		...	...	...	...	10	...	20. 21
I. (Outside)		1	3	4. 5	...	10. 11	...	,, 17. 20. 21
H. (Outside to West)		1		4. 6	9	10. 11		18. 20
N. Outside)		1	2. 3	4.	9	10. 11	...	,, 18. 19. 20. 21. 22. 23. 24
N. South-East room		1	3	4. 6. 7	...	10. 11	...	,, 17. 20. 21. 22. 23
W. (South room under floor) ...		...	...	4. 6. 7. 8	...	10. 11	...	,, 18. 20
W_2. (Middle room bottom) ...		1	3	4	...	10. 11	...	,, 17. 18. 20. 23
W_3. (Room f (λ) top)		1	3	4. 6. 7	...	10. 11	...	,, 17. 18. 20. 23
W_3. (Room f (λ) under floor) ...		1	..	4	..	10	..	20
Y.		1	3	4. 6. 7	9	10. 11	...	,, 17. 18. 20. 21. 23. 24
M.		1	3	7	...	10. 11	...	20. 24
F.		1	...	...	...	10	...	20

Sherds belonging to this class have been met with in almost every part of the monument, both internal and external, as well as in each of the three outlying dependencies marked N, W, and Y.

Class 2.—More or less coarse ware decorated with deep triangular pit-markings.

The number of sherds belonging to this Class is very scanty. Only a few fragments were found outside the ruins marked N. The pit-markings are less regular than those on the few sherds found at Hal Saflieni. As in the case of Hal Saflieni this style of decoration may be considered as sporadic. Nothing similar was found either at Mnaidra or at Cordin. In one of the fragments the triangular pits are associated with short parallel incisions grouped two together (*vide* Plate XV. Fig. 6).

In a few cases the form of the pits being that of a curvilinear triangle (*vide* Plate XV. Fig. 10), it is difficult to decide whether the sherd belongs to this or the following Class.

In Class 3 are included sherds ornamented with pit-marks or punctures of various shapes (vide *Prehistoric Pottery from Hal Saflieni*, Plate I.). There is more variety in the shape and size of the pit marks at Hagiar Kim than at Hal Saflieni (Pl. XV. Figs. 1, 4). At the former place it has been possible to make out the shape and size of the vases from the measurements of some of the sherds. Thus, several bowls and a few jars could easily be distinguished and in some cases measured. The ware is generally fine, of a black, grey, brown, or crimson colour. As already stated in the Introduction, out of 142 sherds, no less than 94 belonged to different vases. This shows how extensive was the use of this kind of ornamentation. The pit-markings were in many instances, particularly in the case of the black ware, filled with white.

The greater number of sherds belonged to bowls with diameters varying from 12 to 28 cm., and necks varying from 3·5 to 5 cm. The thickness varied from 7 to 20 mm.

The sherds were spread all over the site, particularly in the outlying parts of the building.

Class 4.—Buff coloured ware decorated with straight or curved ribs or fluting in relief. (*Pottery from Hal Saflieni*, Plate II.)

The sherds belonging to this Class are very numerous. The ware is of medium thickness and coarse. The thin sherds belong, as a rule, to bowls, and the thick ones to jars or basins. In a particular case, a sherd

decorated with ribs had an unusual thickness of 35 mm. There is no particular place in which this ware was more abundant than in others, but it was evenly distributed in almost all places.

Class 5.—Coarse reddish ware decorated with overlapping rows of fish scales in relief (Pl. XV. Figs. 2, 8).

It has been possible to calculate the diameter of the base of a large jar (48 cm.) and that of a basin (54 cm.). The thickness of the ware was 13 mm. in the jar and 16 mm. in the basin. The jar does not appear to have been provided with handles.

Most of the ware belonging to this class was found in the Court leading to the Main Entrance. Although in a less quantity, sherds were also met with in the place marked S, to the S.W. of the Court, and also in I.

Class 6.—Ornament of veined leaves or scallops. (*Pottery from Hal Saflieni.* Plate III.)

The class is fairly represented in most parts of Hagiar Kim. Its sherds are in many cases associated with those of Class 4, although they are less abundant. It has been possible to ascertain that a large number of sherds belong to large basins, and to calculate the diameter (34 cm.) of one of moderate size—thickness 13 mm.—and that of a very large one (62 cm.). The latter with a shoulder 20 cm. high, and 20 mm. thick, is the largest ornamented vessel at Hagiar Kim.

There were also sherds belonging to large jars; but their sizes could not be calculated with a sufficient degree of approximation.

Class 7.—Ornament of overlapping leaves. (*Pottery from Hal Saflieni*, Plate IV. Figs. 1, 2, 4.)

Sherds of this class are less numerous than those of the previous one, although they are met with nearly in the same places. From the thickness of the ware and the curvature of some of the sherds, it may be argued that they formed part of large vessels; but it has not been possible to determine the shape of any of those vessels. The same difficulty was encountered at Hal Saflieni, where the class is fairly well represented.

Class 8.—Ornament of overlapping scales.

Sherds of this class are very scanty. Some were found in the Court, associated with potsherds of the other classes in the same Section C (ornaments in relief), and in the annex W, under the floor.

Class 9.—Ornaments with hobnails or studs. (*Pottery from Hal Saflieni*, Plates V. and VI.).

There are more varieties in this style of decoration at Hagiar Kim than at Hal Saflieni. The studs are not only circular, but also elliptical. In some cases they assume the form of spindles more or less elongated. The circular studs are of various sizes. Their diameter varies from 15 to 4 mm., and their distance from centre to centre from 25 to 5 mm. In a small grey bowl, 12 cm. in diameter, and a neck 2·5 cm. broad, the studs are elliptical and close to one another (Plate XV. Fig. 5). The studs are not always uniformly distributed. In some cases they are grouped in double rows separated by plain intervals (Plate XV. Fig. 3).

In an elegant handle of an elongated form, evidently belonging to a large vase, the studs, originally of a circular form, have been pressed downwards whilst the clay was still damp and given the form of scales (Plate XVI. Fig. 1, No. 7).

The vases decorated in this style have, as a rule, the shape of bowls.

It is worthy of remark that sherds decorated in this style were found only in five places, all situated outside the main building, viz.: the Court, the two outlying dependencies marked N and Y, in a trench to the W. of the modern entrance, outside the wall, and in a place marked X outside of room H. It is probable that some of these sherds were removed from the main building in 1839 or 1885 and thrown into the places where they were lately found.[1]

Classes 10 and 11.—Pale yellow or buff ware in the former class, and light or dark grey in the latter. Although unornamented with pit-markings, relief, studs, or incisions, this ware has been separated from the coarse unornamented ware grouped in Class 1, because it is finer, worked with care, and covered with a fine highly polished or burnished slip.

Sherds belonging to these two classes are very abundant, and were found almost all over the site, as may be seen in the Schedule. The peculiarity of the two classes is the shape of the vessels, which, with a few exceptions, is that of bowls of moderate sizes.

In Class 10 a few measurements gave the following results:—

Bowl. Upper diameter, 14 cm. Height of shoulder, 3 cm. Thickness of ware, 6 mm.

Bowl. Upper diameter, 20 cm. Height of shoulder, 7·5 cm. Thickness of ware, 7 mm.

[1] A small cup decorated in this style was found within the main building in room C by Professor Zammit in 1909 (*supra*, p. 67).

The smallest bowl in this class measures 8 cm. in diameter, 17 mm. in height of shoulder, and 4 mm. in thickness.

In Class 11.—A fine pale yellow bowl measuring in upper diameter 12 cm., in height of shoulder 3 cm., and in thickness 5 mm. A larger bowl has an upper diameter of 24 cm., a height of shoulder of 7·5 cm., and a thickness of 7 mm. The largest bowl in the class measured 46 cm. in upper diameter, 11 cm. in height of shoulder, and 13 cm. in thickness.

There are three thick black polished sherds, which, being polished and unornamented, have been included in this class. Apparently they are portions of vases having the form of those which have been designated as 'Hanging Lamps' (*Pottery from Hal Saflieni*, Plate XVI.). They are portions of the uppermost part of the vases and terminate in a thick ring or collar, the inner edge of which forms the mouth of the vessel. The diameter of the mouth measures 24 cm. Although no other measurements could be taken, the form and thickness of the sherds show that they belonged to large vases.

Classes 12, 13, 14, 15, forming Section E of the pottery from Hal Saflieni, consisting of red ware variously ornamented, are wholly absent from Hagiar Kim, with the exception of a fragment of the neck of a small jar decorated with a band of parallel incisions running around the narrowest part of the neck. This solitary representative of a whole section was found at a place marked ζ outside the new entrance; but it has all the appearance of being sporadic, and of belonging to a date posterior to that of the rest of the pottery.

Class 17.—Light grey or brown ware more or less granulated, of medium thickness, decorated with parallel incisions, generally vertical and occasionally oblique. The shape of the vases, judging from the form of the sherds, appears to be that of bowls of moderate size. It has been possible to take a few measurements of two bowls of medium size. The smaller has a diameter of 13 cm., a height of shoulder of 4·8 cm., and a thickness of ware of 5 mm. In the other one the corresponding dimensions are respectively 16 cm., 8·2 cm., and 7 mm.

A large bowl has a diameter of 26 cm., and a thickness of 9 mm.

A cream-coloured bowl of an elegant form, 16 cm. in diameter, 6 cm. in height of shoulder, and 7 mm. in thickness, was decorated with oblique parallel incisions filled with white.

The filling of incisions with white or red was a common practice at

Hagiar Kim as well as in the other megalithic monuments in the Maltese Islands. It was also generally practised in the case of small pit-markings or punctures in the ware of Class 3.

Sherds of this class were found in a moderate quantity in the main building, both inside and outside, and in the outlying dependencies N, W, and Y.

As a separate branch of this class may be grouped some sherds in which rectilinear incisions fill the ground of a curvilinear design. This ornament was observed in a large fragment of a jar (Plate XVII. Fig. 3), the mouth of which had a diameter of 22 cm. Its largest diameter measured 28 cm., and its average thickness was 10 mm. No other dimensions could be measured from the fragment. There were, besides, some other ten sherds thinner and of finer texture probably belonging to vases of the same shape.

These sherds were found in the Court, outside the new entrance, at a place marked ζ, also at the bottom of W (middle room), and in Y.

Class 18.—Incised rectilinear ornament filled with white. (*Pottery from Hal Saflieni*, Plates VII. and VIII.) In each of those Plates the indication Class 17 should be changed into Class 18.

All the vases in this class, with one exception, are bowls. The decoration consists in single intersecting straight incisions forming lozenges. In the exceptional case the straight lines are double. As already stated in the Introduction, the sherds were fragments of 61 vases. They were found nearly in the same places as the sherds in Class 17.

Class 19.—Incised geometrical ornament filled with white.

The very few sherds of this class were found in only two places, viz:—In I above the floor and outside of N.

Class 20.—Incised curvilinear ornament filled with white. (*Pottery from Hal Saflieni*, Plate X.)

This is the most widespread of all the classes.

Sherds with curvilinear ornament, of a more or less fine texture and of various colours and degrees of thickness were found in nearly all the parts of the monument and its environs wherever excavations were made. The patterns were much more varied than at Hal Saflieni. A few remarkable ones are given in Plate XVII. Figs. 1, 2, 4, 5, 6, and 8.

A peculiar pattern, very simple, deserves a special notice. It is a large fragment of a flat-bottomed basin measuring 70 cm. in diameter. It was

found under the floor of the outlying dependency W. The clay is reddish and coarse and of an average thickness of 25 mm. The workmanship is rough. The decoration consists of deeply incised circles 5 cm. in diameter and 7 cm. distant from centre to centre.

Three fragments of another vase, possibly of the same shape and decorated with deeply incised circles, were found in the same place. The clay is finer and thinner (thickness 11 mm.) and of a dark grey colour (*vide* Plate XVII. Fig 7). The circles are roughly drawn and the incisions deep. It has been possible to calculate the diameters of several medium-sized bowls, among which we mention three: 21, 24, and 30 cm. respectively. The thicknesses were 7, 7, and 6 cm.[1]

The largest bowl in this class has a diameter of 58 cm. The ware is black and rather coarse. It has an average thickness of 18 mm.

The smallest bowl from Hagiar Kim belongs to this class. It has a diameter of only 6 cm.; its neck is 15 mm. high and its thickness is hardly 3 mm.

Class 21.—Incised meander-bands with contour painted in red. (*Pottery from Hal Saflieni*, Plate XI.)

These sherds, which are comparatively scarce, call for no special remark. The colouring of the contour in red is not associated with the painting of the ground in white, as in several cases at Hal Saflieni.

Class 22.—Incised scrolls with oblique strokes on one side, or herring-bone pattern. These sherds are very scarce and occur only in the outlying structure N, both outside and inside in the S.E. room.

Class 23.—Decoration of winding scrolls on a ground punctured with dots. Outlines and dots filled with white. (Pl. XV. Fig. 7.)

These sherds were met with in small quantities in nine different places, particularly outside the main building and in the outlying dependencies.

Class 24.—Vases having the form of hanging lamps. (*Pottery from Hal Saflieni*, Plates XIV. and XVI.)

Fine black ware with a slip. Ornament: panels decorated with incisions of various patterns.

From various sherds a small lamp was easily reconstructed. Its mouth measures 5 cm. in diameter, the upper diameter 8 cm., and the largest diameter 10 cm. Height 5 cm. Besides a fragment of a fine

[1] A vase decorated in the same style was found at Cagliari, in the Grotta S. Bartolommeo (*Bull. Pal.* xxiv. (1898), Tav. xvii. Fig. 8.)

smaller lamp, three other small fragments, apparently belonging to three different lamps, were found at M in the interior of the main building and in the outlying dependencies N and Y.

As stated at page 5 of my *Report on the Prehistoric Pottery from Hal Saflieni*, whilst sorting the sherds, I was much perplexed by the absence of any traces of lamps of any known form in a place where daylight could not possibly penetrate. When, later on, a considerable number of vases of a peculiar new shape were reconstructed, they were, for the reasons given in full in that report, considered as lamps (*Pottery from Hal Saflieni* Plate XVI).

The recent excavations at Hagiar Kim offered a unique opportunity of verifying the justice of that surmise. The pottery from Hagiar Kim, being identical with that of Hal Saflieni, proved that the two monuments belonged to the same epoch. The essential difference between them consisted in this, that one sanctuary was in the open air, whilst the other was subterranean. Thus, in the latter monument, lamps were a necessity, whilst in the former only a few may have been required for some religious ceremony. It was therefore only natural to foresee that if the vases at Hal Saflieni were really lamps, very few of them would be met with at Hagiar Kim. As a matter of fact, only a few fragments of four or five small lamps were found, notwithstanding that a most careful search was made with that particular object in view. I may add that no traces of vases of that peculiar shape were met with either at Mnaidra or at Cordin.

The paucity of such vases at Hagiar Kim and their total absence from the other two places, I consider as an indirect proof that at Hal Saflieni the vases of that peculiar shape were really lamps.

Other Vases not belonging to any of the foregoing Classes.

The shapes of the vases found at Hagiar Kim, as far as can be ascertained from the fragments, generally small, of bottoms, shoulders, necks, rims, and handles, are more or less similar to those found at Hal Saflieni, the principal types of which are figured in Plate XVII. of '*Pottery from Hal Saflieni.*' But a considerable number of fragments of vases of a peculiar shape were found in several places, particularly in the Court, outside of I, and in Y, of which no traces were met with at Hal Saflieni. These vases are, however, common at Mnaidra, where more

or less large fragments belonging to twenty-four different vases of that shape were discovered during the recent excavations (*infra*, 103, A. 1).

A sherd of a dark grey colour, perforated with sixteen holes of 3 mm. diameter, formed evidently part of a vessel serving as a sieve. It was found in the Court. (Pl. XV. Fig. 9.)

Handles.

A good collection of handles of various shapes found at Hal Saflieni exists in the Valletta Museum. They have not, so far, been classified and described. A good number of them have been met with at Hagiar Kim. A selection from the latter, containing some new types, has been made and figured in Pl. XVI. Fig. 1. The most remarkable one is represented as No. 2. It belonged to a large jar, a few fragments of which were found in the Court. For No. 5 cf. *supra*, 51 n. 2; *infra*, 105.

Stone Vases.

Besides the large basin mentioned in the Introduction, several more or less large fragments of stone vases were found in different places at Hagiar Kim, some of which are undeterminable. The following, however, were easily distinguishable and some measurements of them could be taken:

(*a*) Three fragments belonging to a bowl 22 cm. in diameter, 10 cm. in height of shoulder, and 25 mm. in thickness. The stone is soft (*globigerina* limestone).

(*b*) A small cup of hard stone, 14 cm. in diameter, 25 mm. in thickness. It has a rounded edge.

(*c*) A large shallow basin measuring 56 cm. in diameter, with a rim 9 cm. broad.

(*d*) A small flat-bottomed vase of soft stone (*globigerina* limestone) measuring 18 cm. in diameter, with shoulder projecting outwards of unknown height. Average thickness 10 mm.

(*e*) A small cup of soft stone 10 cm. in diameter and 5 cm. high. Its thickness varies from 6 to 2 mm.

(*f*) A dish with a diameter of 32 cm. at the bottom and 38 cm. at the top. Its outward inclined shoulder is 6·5 cm. high, and its average thickness 30 mm.

The Small Objects found at Hagiar Kim in 1910.

Flint and Chert Implements.—The flint implements, of which a large number were found during the recent excavations, are more or less similar in quality and colour, as also in their shape and size, to those found at Mnaidra and Corradino, and reported upon by Mr. T. E. Peet. The colour varies widely through all intermediate shades of grey, fawn, blue, and black. The most common are the scrapers having the shape of a segment of a circle with a lateral prominence corresponding to the bulb of percussion. Less common are the borers, terminating in a sharp point and showing by their patina that they were flaked out of flat cores. There were besides several broken knives, more or less long, having two parallel sharp edges.

A considerable number of these implements were found broken, evidently after having been used for some time. But a much larger number, upwards of two hundred, were simply flakes bearing no trace of having ever been used as implements. These flakes and the flat cores or nuclei are evident proof that the flint implements were not transported from distant places but were constructed *in situ*. Besides the flint implements already mentioned there were a large number of others in chert (*phtanite*).

A wedge-shaped axe was found having its edge curved outwards. It measures 9 cm. in length and 5 cm. in breadth (Pl. XVI. Fig. 2. No. 2).

The only flint object which may have served as a weapon is an arrow-head measuring 5 cm. in length and 2 cm. in breadth (Pl. XVIII. Fig. 11).

The occurrence of nodules of flint and chert in the *globigerina* limestone of the Maltese Islands was ascertained by the late Admiral Spratt, Sir John Murray, of the Challenger Expedition, and Mr. J. H. Cooke (*Geological Magazine*, April, 1893). This proves that the flint implements found in the megalithic monuments in the Maltese Islands were not necessarily imported.

Animal Bones.—The fact of a human skull (of a negroid) having been disinterred during the excavations carried out in 1839, suggested the idea of the possibility of other human bones being met with in 1910; but though careful search was made for that purpose among the large number of animal bones found in the latter excavation, no trace of human bones was met with.

The animal bones found in several places all belonged to domestic animals, viz.: the horse, the ox, the pig, the sheep, and the goat.

Of the horse only two molar teeth were found; a considerable number of other bones, although mostly broken, were easily recognisable owing to the good state of preservation of their proximal and destal extremities. A few bovine bones and two teeth attached to a fragment of a mandible were found burnt. From the condition of the teeth and the relative size of the bovine bones it may be argued that there was a great variety in the sizes of the oxen.

The same thing may be said of the swine, the jaws and teeth of which were in most cases in a remarkably good state of preservation. Only very few pig bones were burnt.

The lambs and kids, judging from the size of the mandibles or of the upper jaws, were more abundant than the sheep or goats. Although the greater part of the bovine bones were broken there were many whole ones, particularly metacarpal and metatarsal bones, *astragali*, *calcanea*, and *phalanges*. The vertebrae, on the contrary, were not so well preserved. Some twenty bones of a bird of prey, probably a kite, were found.

Shells.—The following species were determined by Contino Dr. Alfredo Caruana Gatto, the well-known conchologist, to whom I avail myself of this opportunity to tender my best thanks:—

1. *Cypraea lurida*, Linn.
2. *Trochus fragaroides*, Lam.
3. *Pisania maculosa*, Lam.
4. *Purpura haemastoma*, Linn.
5. *Murex trunculus*, Linn.
6. *Spondylus gaederopus*, Linn.
7. *Venus verrucosa*, Linn.
8. A *columella* of *Triton*, sp.; and fragments of outer shell of do.
9. *Columbella rustica*, Linn.

The shells were, on the whole, rather scarce. In some cases only two or three specimens were met with.

A large portion of the sharp edge of a Triton may have served as a cutting instrument. It looks as if it had been sharpened intentionally (Pl. XIX. Fig. 1. No. 1).

It is remarkable that objects made of shells, such as beads or buttons, so common at the Hal Saflieni Hypogeum, have never been met with at Hagiar Kim.

Other Organic Remains.—In this category may be mentioned two fossils, viz.: a tooth of a shark: *carcharodon megalodon*, and a *schizaster* in a very bad state of preservation.

Pumice Stone.—Five fragments of pumice stone were found. They

are nearly of the same size—that of a nut. Two or three of them bear evident marks of having served as rubbers.

Pebbles.—A large number—some four hundred—of pebbles of various size, shape, and colour were found, mostly in the outer parts of the monument. They are all rounded and quite smooth. In some cases however, the roughness of one extremity seems to indicate that they were used as hammers, crushers, or grinders. Their form is either ellipsoidal or ovoid, flat or discoidal, but never quite spherical. In rare cases they are covered with a white patina on one or both sides.

Their colour is light or dark grey, cream, brown, or black. Their size varies from that of a walnut to that of a big orange (Pl. XIX. Fig. 2).

Such pebbles, though fairly abundant at Mnaidra and Cordin, are very scarce at Hal Saflieni. Two pebbles of the size of a small potato are pierced through, but it is not quite clear whether the holes are natural or artificial (Pl. XIX. Fig. 1. Nos. 3 and 4).

Objects of hard stone (*Upper or Lower limestone*).—Three small columns measuring respectively 38, 48, and 58 centimetres in height may have been used as supports of tables; but their slightly concave tops and the tapering of their surface make them look very much like the sandstone incense altars found in the rock shrine of Serabit at Sinai by Prof. W. M. Flinders Petrie.[1] Their diameters are as follows:—Upper 18, 21, and 19 cm.; Middle 23, 21, and 18 cm.; Lower 24, 26, and 28 cm.

There are also thirteen objects of hard stone, apparently broken portions of rings 15 to 25 cm. in diameter, and 4 to 6 cm. in thickness: one of them has a diagonal hole on its external edge, while a smaller fragment, with a similar hole, may also be part of a ring. (Pl. XVI. Fig. 2 Nos. 4, 6.) But it is not possible to state with certainty whether the rings were circular or elliptical, or even whether some of them were rings at all; the more so as six other objects, having nearly the same shape, have an angular recess which excludes the idea of those objects having formed part of regular rings. (Pl. XVI. Fig. 2, No. 5.) Two similar rings were found at Mnaidra and one at Corradino[2] (*supra*, 49; *infra*, 99).

[1] *Egypt and Israel*, by Professor W. M. Flinders Petrie, London, 1911. Fig. 21, facing p. 49.

[2] At Corradino a whole ring of hard stone was found. Its inner part is elliptical, measuring 5 cm. by 4 cm., and the outer part, elliptical on one side, has two angular prominences on the other. Similar stone rings are at present used by fishermen to set free their lines when entangled at the bottom. They are known by the local name 'purcillat.' Ten halves of similar rings were found at Valle della Vibrata, and one at Cagliari (*Bull. Pal.* xxxiii. (1907), p. 163, where they are explained as being hammer heads).

Twelve rough stones with shallow circular cavities from 3 to 10 cm. in diam. appear to have served as mortars ; in which case the pestles might have been the hard stones of a quasi-spherical form fitting more or less exactly the cavity and provided in some cases with a sort of handle. (Pl. XVI. Fig. 2, Nos. 7 and 8)

A wedge-shaped axe of hard stone is 10 cm. long and 4 cm. broad : its sharp edge is 5 cm. long. (Pl. XVI. Fig. 2, No. 3.)

Objects of soft stone (*Globigerina limestone*).—There were twenty hemispheres of white soft stone measuring 8 to 12 cm. in diameter. (Some of them were unearthed in former excavations.) They are exactly like those found at Hal Saflieni.

There are besides two conical stones with convex sides and a concave base, measuring 17 cms in diam. and 21 cms. in height (vide *2nd. Report on Hal Saflieni. Small objects and human skulls*, Malta 1912, p. 12 and Pl. XIII Fig. 8).

A conical stone, somewhat rounded at the top and having deep upright incisions on the lateral surface, measures 10 cm. in height and 7 cm. in diameter. (Pl. XVI. Fig. 2, No. 9.)

A conical stone, found in room C, very roughly worked and terminating in a sharp point, measures 30 cm. in height and 15 cm. in diameter.

A small cone with a sharp point might have served as a borer had it not been of soft stone. It is only 4 cm. in height and 3 cm. in diameter. (Pl. XVIII. Fig. 15.)

Of the so-called sling-stones which occur in such large numbers in the vicinity of Hal Saflieni only two were found at Hagiar Kim. They are ellipsoidal in form with pointed ends, and measure 5 cm. in length and 3 cm. in diameter. (Pl. XVIII. Figs. 9 and 10.) A few of the same size were found at Corradino.

An irregular fragment of soft stone, measuring approximately 18 × 13 cm., has a deep incision representing something like the horns of a bull. (Pl. XIX. Fig. 1, No. 2.)

A broken slab, 30 × 20 × 9 cm., is on two sides decorated with circular pits or punctures regularly distributed in the style characteristic of the ornamentation of the central parts of Hagiar Kim and Mnaidra.

From a large fragment of a soft stone hemispherical trough, roughly worked, the following measurements were taken. Internal diameter, 35 cm., external diameter 45 cm., height 32 cm., average thickness of

stone 6 cm. There were several other fragments of troughs, but no dimensions could be determined.

A mortar roughly worked has an internal diameter of 16 cm. and a depth of 19 cm. The stone is 3 to 4 cm. in thickness.

It is difficult to understand what may have been the use of two small stone objects of geometrical form. They consist of a rectangular base, 4 cm. long, 2 cm. broad, and as many high, surmounted in one case by a cylinder 2 cm. high, and in the other by a conical *frustum* of the same height. (Pl. XVIII. Figs. 3 and 4; Fig. 2 is similar, but broken at the top.)

Nor is it easy to make out whether a stone object looking like the bowl of a spoon with a very short handle attached was meant to represent a spoon or a hand. A lateral notch may have stood for the thumb. This object is 8 cm. long, and 5 cm. broad. (Pl. XVIII. Fig. 8.)

This is the proper place for mentioning an object of soft stone of strange form found by Prof. Zammit in January 1912. It is worked very roughly and looks like the body of a strange animal, the legs of which appear to have been broken.

The body is divided into three sections by two transverse ridges. It is 11 cm. long and its form is roughly cylindrical. Its surface is covered with longitudinal incisions, in the first section corresponding to the place of the head, and with transverse incisions in the middle section. In the third section longitudinal and transverse incisions cross each other. (Pl. XVIII. Fig. 12.)

Objects of Clay.—A spindle-whorl in clay of a discoidal form is 5 cm. in diameter and has a central hole 1 cm. in diameter. It is of the same shape and size as those found at Bahria.[1] (Pl. XVIII. Fig. 6.) Another one also of clay has a spheroidal form with a diameter of 3 cm. Its surface is decorated with curvilinear incisions. (Pl. XVIII. Fig. 5.) A third has a diameter of 45 mm. (Pl. XVIII. Fig. 7.)

Among the small objects of a more or less hard clay there is one deserving special mention. Five others of the same shape have been found at Mnaidra (*infra*, p. 103), one at Corradino (p. 51), and one at Hal Saflieni (2nd Report on Hal Saflieni, Pl. XIII. Fig. 5). It is bobbin-shaped, 5 cm. high, terminating in two concave circular bases, and 2 cm. in

[1] Vide *Contributions to the Study of the Prehistoric Period in Malta*, by T. E. Peet, in *Papers of the British School at Rome*, vol. v. Pl. XIV. Fig. 37.

diameter. It does not look as if it had served as a spindle-whorl. (Pl. XVIII. Fig. 1.)

Objects of bone.—The only object of bone is one having the form of a 'brassard.' It consists of a thin rectangle 60 mm. by 15 mm. having the longer sides slightly curved inwards and the shorter ones slightly convex. It has two large tapered holes near its extremities and its longer sides are decorated with short parallel incisions 1 mm. apart. (Pl. XVIII. Fig. 14.)

Objects of Jade.—Axe-shaped pendant. It is strange that of these pendants, so numerous at Hal Saflieni (upwards of 200), only one was found at Hagiar Kim. It is flat, thin, and polished, of a light grey colour and pierced through near the vertex. It measures 4 × 3 cm. (Pl. XVIII. Fig. 13.)

Carbonized Wood.—A small quantity of carbonized wood was found in Room F under the floor.

Beads.—The only bead found during the recent excavations was among loose bones. It is spherical, 15 mm. in diameter, and pierced through. It is highly polished and its colour is a variegated red.

This solitary bead affords another proof of my contention that only a small proportion of the objects originally existing at Hagiar Kim has been recovered in the recent excavation.

IX.—MNAIDRA.

The ruins of Mnaidra, situated about half a mile to the S. of Hagiar Kim, were excavated in 1840, the year after Hagiar Kim had been examined. Unfortunately no contemporary report is available; and the building has only been mentioned cursorily in connexion with Hagiar Kim. Mayr (*V.D.* and *P.M.* Plan II.) was the first to supply a satisfactory plan, made from his own survey.[1] The plan here published (Pl. XX.) is the result of a new survey by the Maltese Department of Public Works, based, however, on Mayr's plan. A section across the whole building has been added, in which the soil is shown in black, and stones seen in section are cross-hatched.

As at Hagiar Kim, the excavations had not been by any means complete, and a good deal of supplementary work on a small scale remained to be done.

[1] The only previous plan is the rough one given by Fergusson, *Rude Stone Monuments*, p. 657.

In the N.E. portion of the enclosure, on the right immediately after entering it, are the remains of a subsidiary building, which Mayr does not mention (656 *sqq* = 17 *sqq.*) nor indicate on his plan.

This building was by no means on the scale of the main sanctuaries and it is possible that it was devoted to domestic uses, as large quantities of pottery were found in it. The plan, owing to the partial destruction of the walls, is not easy to understand. The entrance seems to have been from the S., through a narrow doorway β, 0·60 m. in width; the stones on each side of it were originally decorated with pit-markings, but these can now be distinguished only on the lowest part of the surface.

β led into a room 3, the floor of which is formed of torba 0·03 m. thick (under this is a layer of stones and earth 0·39 m. thick): immediately inside the doorway is a stone step 0·55 m. across; while close by is a fallen slab 1·60 m. long by 0·72 m. wide by 0·13 m. thick, the original position of which is uncertain. The room had apparently two apses, like the large areas of the main building, but the greater part of its walls has disappeared: on the site of the eastern apse the rock was found to descend to 0·80 m. below the modern ground level. To the W. of β is a niche *a* open towards the S., 1 m. wide and 0·70 m. deep, with a single slab forming its floor.

To the N. of β is an apsidal space 2, enclosed by a wall formed of small stones, and divided from 3 by a line of three slabs 0·75 m. high, with a pillar-stone at each end, measuring respectively 1·40 × 0·75 and 1·55 × 0·65 m. and each 0·25 m. thick: the latter, which was on the W., was found fallen and set up again by us.

These pillar-stones are decorated with pit-markings which run in curious lines on the lower part of the inner faces: at the lower outer corner of each of them is a hole passing through the angle.

To the E. of 2 is a small space 2′ with torba flooring 0·65 above the floor of 3.

To the N.E. of 2 is a large space 1 enclosed by irregular walls, the exact line of which is not always certain.

Here very large quantities of pottery were found; but most of the pieces were in a very rotten condition. They lay mostly in a hard layer of burnt earth just above the rock, which was here from 0·70 m. to 1 m. below the modern level.

A sling-stone 0·065 m. long (*infra*, p. 100, No. 20) and two objects of

terracotta of some interest were also found—the lower part of the leg of a statuette, which was obviously steatopygic, 0·04 m. in length, the foot alone being 0·015 m. long (*infra*, p. 103, No. 18); and a bobbin (?) with a hole in it, having the typical form of the stone central supports of the large table slabs which are found in the niches of the main building, and very possibly an actual imitation of one of them (cf. *infra*, p. 103, No. 16). Some boars' tusks were also discovered.

The walls of the room are of small slabs, which rise to a height of 0·70 to 0·90 m. above the rock; and one is forcibly reminded of the structure of the two smaller (western and eastern) buildings on the hill of Corradino.

The outline of the room is irregular: there was probably an earth floor above the rock, but we were unable to trace it. To the N.E. and N.W. of 1, there were probably other rooms or spaces, but it was impossible to make out their plan. They did not extend beyond the exterior of A in any case, and trial trenches all round the exterior of the building on the N. and W. revealed nothing but the rock from 0·40 m. to 1 m. below the modern level.

We may now turn to the upper (north-eastern) of the two portions into which the main building falls. The entrance to A was a double one, through a window-like opening in the slab *oo*, and by a doorway between the slabs *ss*. The stones at these entrances had been much damaged and broken up, but it was found possible to piece several of them together, and these were re-erected as far as possible: (*pp*, *p'p'*, *qq*). (Pl. XXI. Figs. 1, 2, Pl. XXII. Fig. 1.)

To the S.W. of *ss* too the wall was repaired: the orthostatic slabs which formed its base were missing, and therefore the horizontal blocks of the upper portion of the wall, which were successfully recovered, were laid upon a new wall of small stones, constructed in such a manner that no confusion with the antique is possible.

Investigations immediately in front of these entrances made it clear that here, as elsewhere, there had been flat horizontal slabs laid in front of the orthostatic blocks of the façade. These slabs were no less than 0·70 m. in thickness.

A trial pit was made in front of them, at 4, extending under them for a little way: it was found that they were laid on loose stones, etc., for a depth of 0·30 m., and below these was a layer of fine dark brown earth,

containing a good deal of pottery: this must of course have belonged to a period preceding the construction of the building A-D, but did not appear to belong to an earlier date than the rest. Here was also found a spiky object of terracotta (*infra*, p. 103, No. 15). The rock was reached at a depth of 0·40 m. more. The slabs are now only 0·60 m. wide, but they had been broken off and cut up for building material (many stone chips were observed near them); and they originally ran as far as the line 555′5′, being supported by a low rough wall, so as to line up with the blocks 5′5′, and complete the frontal semicircle of the whole building.

Trial pits were also made in the apses of A and B. In both of the apses of A the floor, which was of torba, had been much disturbed by previous digging, though its level was clearly seen. It was not therefore a safe inference that the pottery found below its level belonged to a period previous to its laying. After about 0·30 m. from the surface a mass of small stones was reached, which increased in size as the excavation went downwards, with a little soil between them, and a small amount of pottery. The rock was reached about 1·50 m. from the surface in the N.E. apse.

In the N.E. apse of B the rock was only 0·40 m. down, but it fell rapidly towards the S.W., and was said to be about 1·80 m. below the surface in the S.W. apse, where a previous trial excavation had been made. On the plan the rock level is indicated in feet and inches.

It seems clear that the site for the upper building, which I agree with Mayr in assigning to a later date than the lower, was obtained by heaping up against the N.E. external wall of the latter a mass of small stones so as to form a level platform above the wall, which sloped from the N. to the S.E. and N.W.

The niche C was originally roofed by one large horizontal slab (the distinction drawn by Mayr (661, 23) between the table and the horizontal slab is incorrect), the front part of which was broken across, while the slab itself was fractured longitudinally. This has now been mended, and the result is shown in Pl. XXIII. Fig. 1 (the pillar in the centre of the niche is a modern addition).

The pedestal *m* of the table in the niche D was excavated to its full height, which was found to be 1·32 m. It widens out at the base more abruptly than at the top. (See Pl. XIV. Fig. 4.) In the earth which covered the base there was some pottery, including one of the five

bobbin-shaped objects described below (p. 103, No. 16). The threshold stone inside *kk* is 0·26 m. thick.

There is an abrupt drop in level at the point of junction of the façades of the two buildings ; traces of a rough wall on this line were recognized, but whether there were steps, or how the descent was managed, is not very clear.

In front of the lower building was a large area paved with rough stones (Pl. XXIII. Fig. 2), as at the southern building at Corradino. It was buried under only about 0·10 m. of soil. It extended eastward for a distance of about 7 m., but was not limited by any edging, ending off simply where the level of the rock began to rise.

Among the soil in this area, which was very likely brought from the interior of the building by previous excavators, some pottery was found, and also a small terracotta head (p. 102, No. 14), and the leg of a stone table of the usual type, but slenderer than usual and enlarged only at the top (*infra*, p. 98, No. 1).

A piece of obsidian was also found here. On the S.W. side of the entrance the frontal slabs of the façade were carefully replaced to avoid the ruination of the whole.

In E a torba floor was found, except in the N.E. half, where it had almost disappeared, previous digging having been done, but without result, as the rock came very close to the surface.

Further S. the rock descended, and a torba floor 0·05 m. thick was found: the stones under it occupied another 0·17 to 0·19 m., and there was a varying depth of red earth below this, some 0·22 m. on the average, which produced a good deal of pottery, black with deep incisions. Some of the upper courses of horizontal masonry were replaced, and the cover-slab of the niche *g*1 *g*1 was also restored to its horizontal position. (Pl. XXIV. Fig. 1.)

In the small room F there was an exceptionally good floor of torba lying 0·05 m. below the level both of the step at the entrance and of the step into G: in the latter are two of the usual holes, united by a narrow channel passing under the surface of the slab, which projects about 0·50 m. into G beyond the stones m_1 m_1.

The torba varies in thickness from 0·125 to 0·23 m., and under it is a layer of stones and dark earth 0·32 to 0·41 m. thick containing a little pottery ; below this we found either virgin soil or rock.

A small terracotta head (*infra*, p. 102, No. 13) was found in the soil above the floor. The bottom slab of the lower of the two tables at *p*1 was found to rest upon two slabs 0·17 m. thick, under which was a layer of earth 0·16 m. thick, lying upon the torba floor; so that it is probable that they did not form part of the original construction.

G was excavated to a greater depth than had been done hitherto, and the tabernacle-like shrine (Mayr, 658, 19) was found to rest upon a well-

FIG. 15.—MNAIDRA, TABERNACLE-LIKE SHRINE IN G.

turned pedestal, not of the usual type, but with a bulge in the centre: it was 0·54 m. high, and varied from 0·17 to 0·28 m. (Fig. 15) in diameter, and stood upon a stone 0·15 m. thick.[1] In the earth which covered it a little pottery was found, and a conical plug, 0·115 m. in diameter and 0·065 m. high, with a slight depression in the flat base (*infra*, p. 99, No. 10).

Turning to the western portion of the building, it was found that H, J, K all had torba floors about 0·06 m. in thickness, even in the niches, with the exception of the northern niche of H, which had a slab as floor:

[1] For a model of such a pedestal cf. *Hal Saflieni Second Report*, Pl. XIII. Fig. 3.

in the wall of this niche a table leg 0·55 m. high and 0·28 m. in diameter had been used as building material. Below the floor the rock or the natural soil was quickly reached, and in the various trial holes made no objects were found, except in J^N. Here a hole was made in the floor against the W. wall, which, as Mayr noticed, is built of large rough stones and seems to belong to the most archaic part of the building; similar walling is also to be seen in the space to the N. of J^N and behind the niches of H. The orthostatic slabs of the lower part of the wall rest upon base blocks projecting 0·40 m. or more, and rising from 0·05 to 0·30 m. above the floor level.

The floor was found to be 0·07 m. thick, and under it were stones and earth 0·16 m. thick, with pottery, and the leg of a steatopygic statuette. Then came a pocket of fine grey earth, hard, with much trace of burning, containing some charcoal (of which a specimen was taken) and pottery and bones, also a circular terracotta weight and a caltrop-like object of the same material. The pocket measured 1 m. by 0·80 m. and was about 0·17 m. deep. Below it was dark earth, again with traces of burning; and here were found some objects of terracotta of very great interest (described *infra*, p. 100, Nos. 1–11).

This stratum was quite a thin one, and below it we found the bright red hard virgin soil, resting upon the rock.

Further S. the stratification was varied; under the torba were stones and sandy earth for a depth of 0·10 m., and then fine dark earth with stones in it for a depth of 0·20, and then the rock: in other places again the rock rises irregularly, and lies almost immediately under the torba. The whole room practically was cleared, in the hope that other objects might be discovered, but only a little pottery was found; and the floor was afterwards filled up again to the level of the torba, which was not cut through where it rested directly on the rock. The threshold stone of J^N was found to be 0·48 m. wide and was 0·09 above the torba floor.

In the chamber to the N. (6 on plan) which was probably accessible only from the outside by an entrance b_2 b_2 with a headway of about 1·90 m. (Mayr, 660, 21) (and even this is much blocked by fallen stones) a little pottery was found among the soil, and especially under a large fallen slab x lying in the centre of the chamber, which probably once formed part of its roof. It is 2·22 long, 1·24 wide, and 0·75 m. thick: 0·65 below it the natural soil was reached.

Here one may clearly notice the difference in technique between the outer main wall of the building and the (later) wall of the N. apse of E: there is no doubt in my mind that Mayr's contention as to the dating (663, 26) is correct. But he is wrong in saying that the left apse of the original posterior area was *removed* in order to make room for H: for the primitive roughly built walling may be seen at the back of the niches formed by v_1 v_1 and w_1 w_1.

At the entrance from E into H, wedged in between the stones r_1 and s_1 was a fragment of a large circular stone basin (*infra*, p. 99, No. 2). It is uncertain whether it was placed there by previous excavators or in ancient times. I fear that from their record in other cases one may imagine that the former alternative is not unlikely.

In the threshold block between the stones s_1 s_1 are two holes 0·10 m. in diameter and 0·20 m. apart, communicating by a narrow opening. In the northernmost of these had been placed, probably in ancient times, a fine hammer-head of stone (*infra*, p. 99, No. 13). We may note that the slabs t_1 g_2 h_2 are purposely cut so as to be wider at the top than at the bottom.

The entrance itself, which is remarkable for its fine pit-markings,[1] was repaired and the lintel consolidated (Pl. XXIV. Fig. 2); and the niches in H were also repaired, as far as possible (Pl. XXII. Fig. 2). I think that the northern niche had only one horizontal slab, not two, as Mayr supposes (659, 20). The pedestal of which he speaks was not a support for a separate slab, but the top of it was in one piece with it, like that in B at Hagiar Kim.

It was impossible to replace the lintel of the entrance from E to J, but it was removed to E and put together there. It has a hole for the pivot of a door, corresponding to that in the threshold behind the blocks e_2 e_2.

The semi-circular enclosure (7 on plan) alluded to by Mayr (664, 27) as existing on the S. side of the southern building was cleared: the slabs, averaging 0.75 m. high, stood upon rough base blocks 0·25 m. high, and those on soil 0·15 m. high, below which is the rock—the depth of the latter, however, varies. Behind the slabs is rough walling

[1] With regard to the pit-markings, Professor J. L. Myres, in commenting on the report when read at the Sheffield meeting of the British Association, rightly remarked that the marks at Hagiar Kim had been produced simply by pounding with a hammer; while at Mnaidra they had been cut out, and then worked larger by rubbing with a stick and some sand.

of smaller stones, which serves as a support to them; and this is alone preserved on the S.E. side, where the wall runs straight. Here was found a stone object of uncertain purpose (*infra*, p. 99, No. 8). Portions of a threshold slab of later (perhaps comparatively modern) date were also found here. To the W. of the enclosure is another, much smaller, with a torba floor (8 on plan).

The continuation of the arc of the front wall (Mayr, *ib.*; 9 on plan) was followed, and cleared to some extent. It was of massive construction like the façade itself. It looks as though there had been an entrance between y^2 and the stone on the S. of it to the subsidiary part of the building, of which 7 and 8 alone survive. There seems to be little doubt that it was a later addition, and the blocks were not very rough.

Trial pits were sunk at various points all round the back of both buildings, either the virgin soil or the rock being reached at not more than 0·60 m., and it was equally clear that nothing was to be hoped for in the large level area to the S.E. of the paved court in front of the lower building, nor it seems, on the terrace above it, and below the entrance to the upper building; a curved wall here seems to be accidental, and not part of the building, as inside it are loose stones obviously heaped up from the earlier excavations.

On this same terrace stand the remains alluded to by Mayr (664, 27 *fin.*) as existing near the E. side of the northern building. I could make nothing further of them.

X.—MNAIDRA.

Objects of Stone.

(1) The most striking object is one of the familiar megalithic pillars, but of rather unusual form. It is 75 cm. in length and of almost uniform diameter (20 cm.) except at the top, where it broadens out very suddenly indeed to 30 cm. At this point it is much broken. Above the top is a circular pit of 12 cm. diameter in the centre of the pillar. The bottom of the pillar is slightly concave as usual.[1]

[1] I saw another such pillar lying above r^1 on the right of the entrance to *H* in 1909: it was 0·50 m. long, with a diameter of 0·23 at one end (where it was slightly concave) and 0·28 at the other.—T. A.

(2) A fragment of a large circular tank whose diameter must have been over a metre. The working is fairly good inside and out and the rim is rolled over on the outside. A piece of the rolled rim of another such tank was found.

(3) A fine elliptical piece of hard limestone for grinding on. The upper face is flat and the lower is convex. The stone is much deeper than such mills usually are. Length 32 cm.

(4) A circular mortar, diameter 21 cm., roughly worked inside and out.

(5) A flat cylindrical stone, diameter 13 cm., depth 7 cm., with a marked depression in the centre of the upper face. This may have been a mortar, but Professor Tagliaferro suggests that it may have served as the lower socket on which a wooden door swung. Such a door would not swing on hinges in the modern fashion, but would be fixed top and bottom by pegs turning in small circular sockets.

(6) Several shapeless stones with holes bored through them.

(7) Fragments of at least three rings of hard limestone about 20 cm. in diameter. [Pl. XXV. Fig. 1, No. 5.] (Cf. *supra*, 49, 87.)

(8) A large broken fragment of stone showing one side convex with a flattish circular boss in its centre. From the fragment it is impossible to guess either the original form or the purpose it served.

(9) An elliptical object with pointed ends like an enlarged slingstone of the Hal Saflieni type (length 16 cm.). There are broken surfaces on both sides and the stone is probably quite natural.

(10) Two stone plugs of Hal Saflieni type, conical with slightly convex sides and concave base. [Pl. XXV. Fig. 1, Nos. 1 and 2.] Diameter 8 and 11 cm. respectively.

(11) Several mortars of the type of (4) but smaller and rougher.

(12) Mill-stones of type (3), smaller and flatter. [Pl. XXV. Fig. 1, No. 6.] Pebbles of various sizes for grinding with on these and in the mortars.

(13) A fine cylindrical mallet head with slightly rounded edges (length 145 mm., diameter 84 mm.). It is pierced transversely through the centre and round the middle runs a shallow furrow for the cords used in the hafting. The material is hard limestone. [Pl. XXV. Fig. 1, No. 3.]

(14) Fragment of a small rectangular (or square) slab of hard lime-

stone with slightly convex sides (breadth 80 mm. depth 18 mm.). Round the upper face runs a low ridge. Each side is adorned with an incised rectangle, the lines forming which are parallel to and close to the edges of the side. [Pl. XXVI. Fig. 1, No. 5.]

(15) A damaged stone bowl [Pl. XXV. Fig. 1, No. 4] of great interest as showing the transition from the mere mortar, which is a simple stone hollowed out, to the stone vase with thin walls (cf. 16). Diameter 140 mm. Thickness of stone at the bottom 40 mm.

FIG. 16. (⅓)

(16) Fragments of several stone bowls. [Pl. XXVI. Fig. 1, No. 4.] In the best example (for section see Fig. 16) the walls are only 10 mm. thick.

(17) A flat stone disk, 59 mm. in diameter [Pl. XXVI. Fig. 1, No. 6], with a hole pierced through the centre (? a spindle whorl).

(18) A piece of a stalactite 40 mm. long and two other pieces of stone, both probably the ends of stalactites. [Pl. XXVI. Fig. 1, No. 14.]

(19) Three pieces of very light pumice-stone.

(20) A 'slingstone' of the Hal Saflieni type.

The flints (for classification see Corradino South).

A. Scrapers worked on one curved edge only. These are common. The segmental type is absent.

B. Scrapers worked almost all round.

Six long rectangular, eight triangular [Pl. XXVI. Fig. 1, No. 10], and two rounded [Pl. XXVI. Fig. 1, Nos. 11 and 13], of which one is a magnificent thin example, quite circular.

C. The flakes are mainly shapeless. A few might be described as triangular. Pl. XXVI. Fig. 1, No. 7 is trapezoidal and quite unworked.

A lump of obsidian was found near the main entrance to E.

Objects of Terracotta (Pl. XXVII).

The objects numbered 1–12 were found under a torba floor in the room J^N. All are of very lightly fired yellowish clay.

(1) Female figure, height 52 mm. The head is a mere pinch of clay

and the legs and arms little more. The abdomen is immensely swollen and the protruding breasts rest upon it. The back is incised with lines to represent the ribs and vertebræ. The feeble rendering of the legs leaves it hard to say whether the figure was standing or seated. Dr. Zammit is surely right in holding that the figure represents some pathological condition rather than one of pregnancy. [Pl. XXVII. Fig. 14 and Fig. 17 below.][1]

FIG. 17.

(2) Five twists of clay, possibly meant for deformed legs. [Pl. XXVII. Fig. 20.]

(3) A ball of clay, 7 cm. in diameter. [Pl. XXVII. Fig. 2.]

(4) A spherical representation of an animal or bird covered with scales (Pl. XXVII. Fig. 1). The head is clearly shown with the mouth or beak open. Down the back runs a ridge in relief, and behind the neck there branch off two very small wing-like objects not detached from the surface. The length over all is 72 mm.

(5) An animal head (or whole animal ?) with mouth wide open. The eyes are clearly shown as flat round discs. From under them projected two arms (??), one of which has been broken off. The object stands on a flat base. Its height is 68 mm. [Pl. XXVII. Fig. 15, and p. 102, Fig. 18.]

(6) A somewhat similar figure with less detail. Flat base. Height 65 mm. [Pl. XXVII. Fig. 13, and p. 102, Fig. 19.]

(7) Another, still more shapeless. No flat base. Height 65 mm. [Pl. XXVII. Fig. 21, and p. 102, Fig. 20.]

(8) A four-lobed object. [Pl. XXVII. Fig. 4.] It recalls the many-lobed object from Hal Saflieni (see *Second Report* Pl. XIII. Fig. 1).

(9) A smaller ball of clay. [Pl. XXVII. Fig. 11.]

(10) The leg of a small steatopygous figurine. [Pl. XXVII. Fig. 8, front view.]

(11) A spiky object. [Pl. XXVII. Fig. 5.]

(12) A bean-shaped object. [Pl. XXVII. Fig. 17.]

[1] I think 5 and 6 may also be rough representations of the human figure.—T. A.

(13) The head of a small figurine. The hair is represented in the usual fashion (Cf. 13).

(14) Head and neck of a figure. [Pl. XXVII. Fig. 16.] The hair

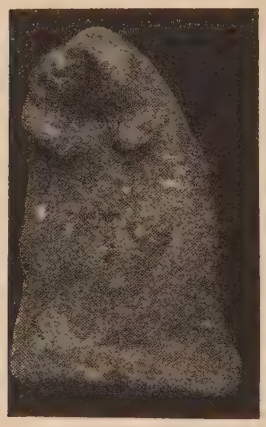


FIG. 18.

FIG. 19.

FIG. 20.

FIG. 21.

is shown as a raised mass incised with parallel lines (Fig. 21 above). The eyes are remarkably well given. The cheeks, now damaged, were puffed out to an extraordinary degree. Height 82 mm.

(15) A spiky object similar to No. 11. [Pl. XXVII. Fig. 12.]

(16) Five bobbin-shaped objects, some of which are perhaps models of the usual table supports seen in the megalithic buildings (*supra*, 51, 89). One is hollow, two are transversely pierced through the centre, and two have slightly concave ends. [Pl. XXVII. Figs. 3, 7, and 18.]

(17) Part of a seated steatopygous figurine of the Hagiar Kim type with flattened back. [Pl. XXVII. Fig. 9.]

(18) Leg of a small figure. [Pl. XXVII. Fig. 6.]

Miscellaneous objects.

(1) A piece of shell [Pl. XXVI. Fig. 1, No. 8.] with four deep parallel incisions across it.

(2) A fossil shark's-tooth.

The Pottery.

A. Rough faced wares, ornamented before firing.

(1) Plain wares.

The most notable are the numerous bowls of the type shown in Pl. XXV. Fig. 2, No. 2. The clay is rough and has a greyish-yellow surface. There is a low lip, and the rim is notched all round and slightly raised at a point diametrically opposite to the lip.

(2) Scale ware.

There are fragments of several very large vases with rough overlapping scales in high relief, evidently made while the clay was extremely wet. All the types of scale ware are represented, including the pseudo-scale type in which the leaf and its veins, instead of being given in relief, are merely incised (cf. Corradino South). One fragment shews horizontal scales. Pl. XXVI. Fig. 1, No. 1 is a fine example of the veined leaf type.

(3) Pitted ware.

There is one example of the very rough rugose pitted ware. In the usual types the pits are round, elliptical, or even linear with or without white filling.

(4) Studded ware.

The studded vases are usually large and thick, and the studs circular.

In one fine piece the studs are long, elliptical, cut on the surface of the vase, and not affixed.

The vase of which a piece appears in Pl. XXVI. Fig. 2, No. 5 combines round studs with crescent-shaped ridges of clay in low relief.

(5) Line ware.

The vases vary in size and texture. The lines are usually vertical and parallel, but in one fragment they are arranged in a dog-tooth pattern.

The restored portion of a vase [Pl. XXV. Fig. 2, No. 1.] is ornamented with deep broad lines which might also be classed as fluting.

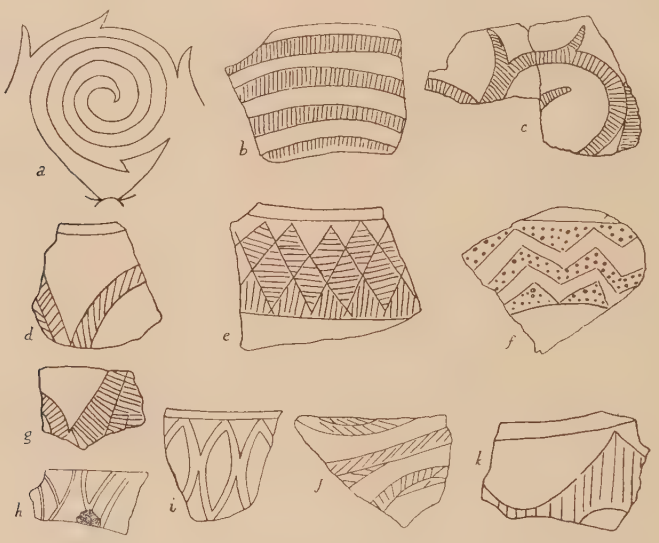


FIG. 22. ($\frac{1}{3}$)

B. Maltese slip wares.

I. Vases incised after firing.

The designs vary. Among the rectilinear the cross line or lattice pattern (G 18) is the most usual. The curved patterns are best seen in Fig. 22. There is considerable diversity, and the naturalistic scroll designs, *a* and *c*, are cut with great accuracy and firmness of hand. The closely hatched or cross-hatched curvilinear figures so common at Corradino South are not usual at Mnaidra, where the hatching is usually looser. There is a fine piece of reddish ware with dot and line ornament.

The shapes of the finer vases are usually bowls with a vertical wall (Corradino South, Shapes A and B). The tongue handle with pointed end is common on small bowls: it has occasionally a ridge in relief on the back [Pl. XXVI. Fig. 1, No. 3], and in one case a loop handle low down. [Pl. XXVI. Fig. 2, No. 7.]

II. Vases incised before firing.

(1) Dot and line ware is not uncommon. The best piece is that drawn in Fig. 22 *f*. Curvilinear patterns are frequent and white filling is usual.

(2) Pl. XXVI. Figs. 3 and 6 are from a large vase, of which several fragments were found.

Pl. XXVI. Fig. 2, No. 1, is a fragment deeply incised and white filled. It is not Bahria cut-out nor Corradino incrusted ware, but resembles Santa Verna Type B. II. 2. *b*. Pl. XXVI. Fig. 2, No. 2, is an unusual type of ornament. Note also the remarkable star in relief (or animal's skin ?) in Pl. XXVI. Fig. 1, No. 15.[1]

C. Other wares.

Four undoubted pieces of Bahria red ware were found, easily distinguished by their soft yellow clay and flaky red slip. Two are pieces of handles of Bahria type.

The Handles.

The handles call for no special remark, the tongue form having been already discussed. The tunnel-type is common on large vases. Among the true loop handles the type which is continued upwards to meet the vase wall in a point occurs several times.

XI.—EXCAVATION OF THE PREHISTORIC SITE OF TORRI TA SANTA VERNA, GOZO.

The discovery of this prehistoric site is due to Mr. Nicola Said of the Public Works Department, Gozo, who traced its position from an old private manuscript of which he was able to take a copy. The temple of Santa Verna is indeed mentioned by the late Father Magri (*Ruins of a*

[1] A similar piece was found at Corradino South Building and another at Hagiar Kim (*supra*, 51, n. 2).

Megalithic Temple at Xeuchia, p. 3), but it seems doubtful whether he had found this particular building, and in any case, Mr. Said's discovery was made independently.[1] This lies in a field some two hundred yards to the W. of the outskirts of Casal Xaghra or Caccia, and about as far to the N. of the precipitous side of the somewhat barren hill on which the above named village is situated. It is also near the Church of S. Antonio.

Before the excavation, the site consisted of a small hillock in the field, bounded on the N. and on the E. by two large stone heaps, from the easternmost of which emerged three megalithic slabs (GGG on the plan, Pl. XXVIII.) set upright edge to edge in a concave formation.

Trenching was begun on the 2nd of June 1911 by Dr. T. Ashby, but after a few days he unfortunately fell ill and the work was continued by myself. The work was completed on the 14th June.

The first trench was taken in a westerly direction from the N. of the three megaliths, and the first day yielded nothing but some fragments of pottery. A pounded limestone floor (torba) was eventually struck quite near the field surface, and room A was cleared as far as the stone heap to the N. would permit. This discovery led to the finding of a low wall of rough boulders to the S. and of a second torba floor, B. Work being continued in a southerly direction, a third torba floor, C, was cleared, roughly pentagonal in shape, at a level of about 7 inches (18 cm.) above B. This is some distance from B, and is rather in the nature of an outlier; the intervening space is occupied by the remains of a wall probably belonging to an earlier megalithic period.

Work was now impeded by the two stone heaps and a day was taken in removing them. The northern boundary of A was then revealed, namely, a megalithic wall which had been filled up from its outlying foundations with a sloping bank of loose stones to the level of the torba. Along the northern boundary of A the megalithic wall projects and apparently formed the base of the wall contemporaneous with the highest floor. A was thus entirely cleared and work proceeded in a westerly direction leading to the clearance of D, where no torba yet appeared and which was full of

[1] It is undoubtedly identical with the building described by Houel, *op. cit.* iv. 78, with a view on Pl. CCXLIX. and a plan on Pl. CCLI. of which the MS. seen by Mr. Said contained a copy. Its position is clearly shown in his map (Pl. CCXLVII.). Mayr (693, 70) transcribes Houel's description, but was unable to find the remains: I do not think that Houel's 150 toises must be taken literally—the real distance is about 1000 yards, or nearly 500 toises. The building has been much damaged since Houel's time.—T. A.

blocks of stone standing in the semblance of walls without much system or regularity. A wall was also discovered running in a N. to S. direction on the W. of B, and an amorphous space was uncovered in E containing soil and boulders.

Meanwhile the megalithic wall was cleared of its covering of loose stones at the N.E. and N.W. corners, and it was shown to be founded on bed-rock, and supported by boulders which may possibly have fallen from their original position. The floors in the N. part of the building stand 5 feet 6 inches (1·67 m.) above the field surface, but towards the S. the latter rises to the same level as that of the building, meeting it at Y and on the S. side of GG.

Near the western edge of the plateau formed by the construction small torba areas were cleared, lying to the W. of D and evidently belonging to it. Work on the outskirts led to the discovery of H, a small torba and dirt floor in the concavity of the three great stones and half way up them, which eventually turned out to be modern, a tobacco pipe and pieces of modern crockery being found under it. To the E. of this a rough cobble pavement, F, was found to run out from below the eastern side of A, and to continue round the great stones to S. and W. of the platform. South of B it extends for 46 feet (14 m.). It does not continue below the northern wall at J. To the S. it runs to the level of the platform.

The original megalithic wall on the N. appears to have run E. and W. along the edges of D and A. North of A its foundations are still covered with loose stones as shown on the plan. From the N.E. corner of A it probably ran due S. to the megaliths G, G, G. Thence in the earliest times it probably curved round to W. of B.

A appears to have been of roughly rectangular shape (although the torba does not extend all across the western portion), measuring 32 feet long by 18 wide (9·76 × 5·5 m.); it was bounded on the N. by the megalithic wall and on the S. by a low wall which divides it from B. An examination of its edge showed that a lower floor existed beneath the upper one, the two being separated by 2 inches (5 cm.) of compact earth. Both are of yellow limestone. In the N.E. corner, bounded on three sides by rocks, was a hearth (*a*), 3 feet 3 inches (99 cm.) (N.E. to S.W.) by 3 feet 9 inches (1.14 m.) (N.W. to S.E.), with ash lying on it to a mean depth of 5 inches (13 cm.). In two other places there are signs of burning.

Room B is roughly elliptical in shape, measuring 15 feet by 12 feet (4·50 × 3·60 m.). Its upper floor is of white torba, but in this were set little flat fragments of limestone one inch across and under, forming a kind of parquet or mosaic. At present this stone work extends in the nature of a circular path (*d–d*) nearly round the room, the centre having probably been worn away or broken. The thickness of the upper torba is 1½ inch (4 cm.), and below it, for a depth of from 2 to 3 inches (5–8 cm.) there is hard compact soil as in A. Under this there runs a second torba, yellow and red, 1½ inch (4 cm.) in depth, followed by compact soil for 2 inches (5 cm.). This is set upon loose stones of fairly uniform size evidently selected for the purpose. In each case the soil appears to be the lower part of the flooring of which the torba is the upper part. Near the eastern edge of the floor is a hearth (*b*) measuring 32 inches (80 cm.) (W.N.W. to E.S.E.) by 22 inches (55 cm.). At C, to the N.W. is another fireplace of irregular shape measuring 26 inches (65 cm.) (N. to S). by 18 inches (45 cm.) (E. to W.). It contained calcined bits of limestone and potsherds. There is a low wall between A and B which rests apparently upon the lower torba.

The torba of C is yellow, 1½ inch (4 cm.) thick, laid upon a thin dirt layer which is followed by loose stones to a depth of 1 foot (30 cm.). In the outliers W. of D the torba is also at a high level, but in neither case is it followed by a second floor. In the former the torba is 1½ inch (4 cm.) thick, dirt 1½ inch (4 cm.), then follow loose stones. In the latter the torba is 5 inches (13 cm.) thick and is followed by a thin band of soil over the stones.

In D the traces of burning were numerous, and these appeared to run into a walled niche forming three sides of a square, the opening being to the E. The ash was followed up to the stones, but as it appeared to run under them and they showed no signs of fire, they were removed. Nearly the whole area of D appears to have been one huge fire place (*e–e*). The depth of ash ran to as much as a foot (30 cm.). Under the stones the traces of two torba floors were discovered, the upper being only a skin separated by two inches (5 cm.) of earth from the second. The ash, however, ran right through to the loose stones, so it may be supposed that the hearth belonged to the latest period and burnt its way through. It is probable, however, as will be argued later, that there was no great difference in age between the two upper floors. D was extremely rich in pottery, implements and

ornaments, and its hearth, like nearly all of those discovered, contained sherds and animal bones among the ash.

A hearth (*f*) was also discovered to the W. of D, towards the edge of the platform, 5½ feet long (1·65 m.) (N.N.E. to S.S.W.) by 4 feet (1·20 m.) wide; the depth of ash varied from 2½ (6 cm.) to 6½ inches (16 cm.), and it lay upon the lower torba and loose stones.

E proved to be the most interesting locality. At first it appeared to be no more than a dirt heap, bounded by a fairly regular wall to the S. and showing protruding blocks to the E. and W., but the presence of bones soon became apparent on the northern side, and 8 inches (20 cm.) below the field surface were found human remains, an animal jaw among them, in great confusion, including a complete human lower jaw and a portion of another one. Stones were mingled with these remains, but there were also discovered rough stone amulets such as are found at Hal Saflieni. Further clearing revealed small heaps of human bones at *g* and *h*. Heap *h* was only 5 inches (13 cm.) below the field surface; and the remains, consisting of arm and leg bones and a few vertebræ, lay in a mixed heap. With them were flints, two shells, and a lump of red earth. They appeared to be walled in in a rudimentary fashion and an inner layer of ragged crystalline stone was placed close round and underneath them. Heap *g* contained a whole arm, entire with fingers, a leg bone, a few vertebræ, and ribs. The walling-in of *h*, and the presence of flints and ornaments would lead to a presumption of *scarnitura* and re-burial.

A little further E. was found the skeleton of a child (*j*) fairly complete, except for the loss of the top of the skull and of the feet. The skull was only 2 inches (5 cm.) below the field surface, so that its breakage is quite comprehensible, especially as the bone is very thin. The top of a skull was found in close proximity, and though this did not exactly fit, it may very possibly belong, as the lower part of the skull might easily have become flattened. The skeleton lies on its back with the head propped up, the feet pointing due E. The arms are folded across the breast and the left foot is bent under the right leg. The length as it lay was 3 feet 3 inches (1 metre). Several of the second teeth had not been cut. The skeleton was partially walled in with blocks of stone. Beneath the left foot was a piece of bright red earth, and from below the feet protrudes apparently the leg of another skeleton. The feet were 8 inches (20 cm.) below the field surface.

On the W. of E, 6 inches (15 cm.) below the field level, were found the remains of burning on a temporary floor, the ash extending in a circle of 3 feet (91 cm.) diameter. The burning was only superficial and the floor temporary. Its contents were a few animal bones, one human finger-bone, and pottery. To the S. also of this area were fragmentary human bones, together with what are possibly rough stone amulets and the same kind of crystalline rock as that found at (*h*). In fact, inside the outer blocks running along the S. of this area, is a regular little wall of the same crystalline rock, and it would appear that the whole heap was regarded as a cemetery and that this particular kind of rock had some ritual significance. Clearing to the W. of this area led to the important discovery of a complete male skeleton (*k*), lying perfectly flat with the feet to the E.N.E.; it is surrounded by a wall of partially squared blocks roughly following the outline of the body. It lies for the most part on a torba floor, but in parts upon the underlying loose stones. Upon the chest were stones of about 2½ inches (6 cm.) diameter, and a small stone under the neck supported the chin. The depth below the field surface was 1 foot (30 cm.). The length as it lies is 5 feet 9 inches (1·75 m.). When it was uncovered, practically every bone was perfect and *in situ*, and not a tooth was missing. Besides rough amulets an image of an oyster-shell roughly carved in stone was found. The arms are folded over the breast, the legs quite flat, the feet being tilted a little towards the left. The feet rest against a rubbish heap, which appears to have been dug into for the purpose of burial, as it ends abruptly and does not extend over the body. The soil in this is extremely compressed, and contains pottery, animal bones, and carbonised matter. The heap continues downwards into a hearth situated upon the torba immediately overlying the loose stones, that is, the same torba on which the skeleton lies. The ash seems to extend beneath the skeleton of the child. It would appear, therefore, that burials were made in the rubbish heap, which was dug into to the level of the torba, and even through it. The presence of the ash of *k* and also of hard compressed earth on the western side of the skeleton also corroborates the view that the heap was dug into. As regards the period of the burial, it would at first sight appear to fall into the latest period but one, but it should be observed that in areas C, E, and the outliers of D, there is only one torba, while there is no reason to suppose that the rooms were not used in the latest period. As the torba of these lies upon the loose stones like the

second torba in A and B, it is probable that it belongs to both the two last periods. The regularity with which the upper torba follows the lower in A and B, the fact that the rooms represented by both torbas were coterminous, and the similarity of the finds above both floors, lead to the supposition that the latest torba is but a re-flooring of the dwelling, perhaps owing to the fact that rooms A and B would be rather low compared with the levels of C and the western portions of D. It is probable, therefore, that the two last periods are practically the same, and that the burials belong to either or both.

Judging from the two skeletons discovered, the third apparently lying beneath the child's, and the two lower jaws, it might be gathered that five people were buried in this area.

There is a small hearth, 3 feet by 2 feet (91 × 61 cm.), depth 4 to 6 inches (10—15 cm.) at *l*, against the stone wall. It rests partly on cobbles, and contained pottery and a few bones.

At *m*, 6 inches (15 cm.) below the level of D on the side of the platform towards F were also a few disordered human and animal bones, and at *n* a little lower down and 1 foot (30 cm.) from the corner stone of the platform is a hearth 1 foot 11 inches (60 cm.) below the lower floor of D. It is 2 feet (61 cm.) wide (E. to W.) and 1 foot (30 cm.) long, and the depth of the ash is $5\frac{1}{2}$ inches (14 cm.) Its only contents are thoroughly carbonised grey ash, which has almost the appearance of cement. It is not on a floor, is rather above the level of pavement F and lies almost among the foundations of the northern wall.

At the edge of the pavement below the western edge of D was found a stone slab (*o*) 1 foot 10 inches long by 1 foot 4 inches wide (57 × 39 cm.) tilted up towards F and resting against a stone at each end. This is possibly a threshold belonging to the later period.

A 4 foot (1·22 m.) trench XY was cut through the whole structure in a W.N.W. direction from a point N. of the three megaliths through areas A and D, and brought to light a third floor. A section in A from the top is as follows :—

Torba (yellow)	$1\frac{3}{4}$ inch (4·5 cm.)
Dirt	2 inches (5 cm.)
Torba (yellow)	$2\frac{1}{2}$ inches (6 cm.)
Dirt	$\frac{1}{2}$ inch (1·25 cm.)
Loose stones	2 feet (61 cm.)

Smooth compact floor of black earth and fragments of limestone	2 inches (5 cm.)
Loose stones	9 inches (23 cm.)
Fine red earth	10 inches (25 cm.)
Bed-rock.	

A section in D reads:—

Torba	2 inches (5 cm.)
Loose stones	1 foot 9 inches (53 cm.)
Dirt floor	1 inch (2·5 cm.)
Loose stones	1 foot (30·5 cm.)
Bed-rock.	

On the N. side of the trench in A a shelf of 1 foot (30.5 cm.) was left showing the second torba. Only part of the lowest torba was dug into, the rest being left *in situ*. The following is a description of what was found in the trench on the level of the lowest floor, reading from E. to W.:—

(1) Megalithic wall	4 feet (1·22 m.)
(2) Floor	11 feet 6 inches (3·5 m.)
(3) Flat, well-squared slab	2 feet 6 inches (·76 m.)
(4) Floor	19 feet 2 inches (5·85 m.)
(5) Megalithic wall	1 foot 7 inches (·46 m.)
(6) Bed-rock	5 feet 11 inches (1·8 m.)
(7) Megalithic wall	2 feet 5 inches (·74 m.)
(8) Bed-rock as far as F	9 feet (2·74 m.)

The edge of the slab at (3) runs N.E. by N., and its surface is 2 inches (5 cm.) above that at (2); at (4) there is a further rise of $\frac{3}{4}$ inch (2 cm.). One foot seven inches (48 cm.) from the beginning of (4) large shaped stones are used to support a soft stone slab which forms part of the floor of D, but the construction is of later date than the floor, and lies upon it. The trench showed that the existing remains of the wall between areas B and E were formed, at least in part, of megaliths belonging to the same period as the lowest floor.

A trench was also made in a westerly direction from a point 3 feet (91 cm.) N. of the three megaliths. This extended as far as the edge of B. The section from the top reads:—

Torba	2 inches (5 cm.)
Dirt	2 inches (5 cm.)
Loose stones	1 foot (30 cm.)
Dirt floor	1 to 3 inches (2·5–7·5 cm.)
Loose stones	9 inches (23 cm.)
Black soil	6 inches (15 cm.)
Rock.	

The section at the N. of the three big stones on their northern side shows them to be 4 feet 5 inches (1·35 m.) high, while the southern one is 7 feet (2·13 m.); the foundations are 3 feet 8 inches (1·11 m.) deep.

The lowest floor must be that of the first megalithic building of which portions of the walls remain to the N. and E., while foundations are apparently shown to the W. at (5) and (7) in trench XY. The cobble floor F appears to belong to this period. The three great stones from their upright position, edge to edge, and their concave formation, are characteristic of the megalithic period, and the building appears to have been a dwelling. In close connection with this appear to be the sites 120 feet (36 m.) away to the E.N.E., separated from each other by a megalithic wall running in a W.N.W. direction for 27 feet (8 m.) and rising 2 feet (60 cm.) above the field surface. The areas are paved in the same manner as F at depths respectively of 5 to 9 (13–23 cm.) and 9 to 12 inches (23–30 cm.) below the field level. The greatest length between the extremities of these two areas is 77 feet (23 m.) (N. to S.). Immediately below the pavement of the southern area is another at the level of that of the northern.

It appears that in later times the main megalithic building was filled up with stones (possibly taken from the cobble pavement), which were overlaid by the torba floors of the upper portions of the structure. The megalithic walls formed foundations for those of the later period. The entrance in later times was probably either on the S. or the W. where the field level and that of the building is the same; possibly across the slab (*o*). The curve of the three great stones and the step upwards in the lowest floor towards the W. in the trench XY suggest that there may have been a front entrance in megalithic times to the E., just N. of the slabs.

Objects.

Implements.—Two portions of a stone basin or mortar were found in D just below the field surface, and still further down a complete mortar in two pieces, 13 inches by 15 inches (33 cm. × 38 cm.) was discovered in the same locality under the stones. A stone pestle was found in E 2 feet (61 cm.) down. A soft stone hammer was discovered in the same locality, 13 cm. in length along the top.

Many flint scrapers and knives were found, and the chert implements were still more numerous. A very fine chert scraper, 4 inches by $2\frac{1}{4}$ inches (10 × 5·5 cm.) was found in the upper part of E and another near the surface on the north-eastern outskirts of the building. Part of a flint knife was found at H, and a very fine one with two edges, 5 inches (12·5 cm.) long, was discovered in the S. part of F. It appears to have been broken in excavation. D was particularly rich in flints, and here above the upper torba was found a small red flint saw of very finished workmanship. Perhaps the most striking feature of all is the abundance in which obsidian was found. The following are the localities:—D in trench XY above lowest floor; 6 inches (15 cm.) deep in F (S.); (a fine knife also at the same place and depth); 4 inches (10 cm.) in F (W.); (end of a knife in the same); 1 foot (30 cm.) deep at Y.

Two bone awls were discovered on or near the field surface, one very fine straight one, $4\frac{1}{2}$ inches (11·5 cm.) long and well sharpened, another curved.

Ornaments and Miscellaneous.—The rough amulets in E have already been mentioned. Several smooth pebbles were also found, and in particular one large yellow one at D above the highest torba, partly rubbed into triangular form for an amulet.

A smooth red terracotta cylinder, probably part of a cone, about $2\frac{1}{2}$ inches (6 cm.) long was found at D above the highest torba, and also a rougher fragment, which might have been the end of such a cone. In the same locality a terracotta image, $1\frac{1}{2}$ inch (4 cm.) high, of a spiral conical shell came to light. Moreover at F (S.), and at A between the highest and second floor, partially bored bone ornaments were found resembling nipples. A black terracotta bead, $\frac{3}{4}$ inch by $\frac{11}{16}$ inch (2 × 1·75 cm.), lay beneath the large stones in D. In the same area, almost on the loose stones, a clay 'marble' showing traces of red paint was found. Here too below the

second torba were discovered the end of a cone in soft stone carved with longitudinal grooves, length $3\frac{1}{4}$ inches, width $2\frac{3}{4}$ inches (8×7 cm.), resembling more than anything a fossil sea-urchin, a little polished stone figure, rather shapeless, but somewhat resembling a woman, with a few rudely carved lines upon it, 2 inches high by $1\frac{1}{2}$ inch wide (5×4 cm.) and with a convex base on which it rocks, and a rude image in soft stone, $2\frac{1}{4}$ inches long by 1 inch wide ($5{\cdot}5 \times 2{\cdot}5$ cm.), resembling a bird, with red paint on the head. Many of these objects were possibly toys.

Fossil shark's-teeth were found at D among other places, at F (S.) a fossil oyster-shell, and at F (W.) a small shell painted red. In the short trench N. of the large stones was found an annular ornament, with red paint upon it, measuring 2 by $1\frac{3}{4}$ inch ($5 \times 4{\cdot}5$ cm.) made by cutting off the top part of a large limpet shell. There is a similar object in the British Museum from S.E. Spain, designated as a bracelet. Four soft stone cylindrical discs, 2 inches high by $4\frac{1}{2}$ inches wide ($5 \times 11{\cdot}5$ cm.) were found in D, and a round pebble of igneous rock, probably used for heating purposes, in E.

A few more modern objects were found, suggesting the presence in the vicinity of a Roman villa, viz. tinted glass at J, and copper coins, one above the torba at D, and another 6 inches (15 cm.) deep at J (E.). Only one of these is identifiable, and may be assigned to the Aragonese domination of Sicily. Lozenge shaped tiles were also found in uncovering the wall at J.

Bones, etc.—Sea-shells, evidently the remains of food, were found in fair abundance. In the hearths, and scattered about the structure, were numerous animal bones, mostly burnt and fragmentary, and split for the extraction of the marrow.

Through the kindness of Dr. Smith Woodward of the British Museum, to whom the bones were sent for examination, some detailed account can be given of them. Those from A and B are of the pig and other domestic animals; in fact, the bones may be regarded almost exclusively as of such animals as were used for food. From C they are of the ox and sheep or goat. From D, of a large ox, sheep, goat, pig; there is one *humerus* of a swan and human bones are found. From E the bones are naturally in the main human, but among them are those of the ox and sheep or goat; there is also one *humerus* of a large cat, probably the Caffer cat, very similar to a bone found in the caves of Gibraltar.

Those from F are of the ox, sheep, and goat. From *m*, human, ox, and sheep, or goat. From the outskirts of F, human, ox, sheep, and goat.

A large boar's tusk was found above the lowest floor.

To the N.E. of the building were found two pieces of obsidian, but very little pottery and no implements.

The view from the Torri is very fine in all directions, but especially towards Malta on the S.E., and the sea is visible on three sides, namely, at Marsa il Forn to the N., at Xlendi to the S.W. and towards Malta. Due N. is the very obvious landmark (surmounted by a statue) of the conical hill Il-Merzuk.

The construction is rather that of a dwelling strongly fortified at least in the earliest or megalithic period. The earliest building is particularly remarkable for the finished workmanship of the interior, the level and extensive floor, and the squaring of the inner stone-work. In the later period or periods the walls were apparently of smaller stones set upon the protruding megalithic blocks. Areas A, B, and C, and probably D, must have been rooms. E appears to have been the rubbish heap, and, probably later, the burial ground.

The spiral and conical images and the amulets suggest religion and beliefs similar to those evidenced by the various sanctuaries of the islands, and also by Hal Saflieni and Corradino.

Under the direction of the Museum Department the structure has been covered up and the skeletons walled in, so that everything can be re-examined at any future time.

XII.—REPORT ON THE POTTERY FOUND AT TORRI TA SANTA VERNA.

The numbers in round brackets refer to Professor Tagliaferro's paper on the Hal Saflieni pottery in the Liverpool *Annals of Archaeology and Anthropology*, Vol. III.

A. Rough faced wares, ornamented before firing.

(1) Fragments of unornamented large vases of indeterminable shape (A 1).

The clay is grey, firing to a poor yellow or brick-red at the surfaces. There is no slip. In this class may be included a series of open dishes of an average diameter of 30 cm., with flat bottom and vertical wall about 8 cm.

high, the rim being bluntly notched. These dishes abound at Corradino South and Mnaidra. A few fragments seem to be stained inside with a powdery red substance. Cf. Pl. XXV. Fig. 2, No. 2.

(2) Scale ware.

Usually large vases with a very rough surface and no slip. Their colour is generally red or yellow, rarely black or very dark grey. Their ornament consists of fluting (C 4), of overlapping fish-scales in relief, sometimes disposed in horizontal rows (C 5), sometimes with no definite order (C 7), or of large veined leaves in relief, forming scallops (C 6). In a few cases we find a degenerate form of this last, where the leaves are not in relief, but merely shown by deep incisions of the outline and the veins.

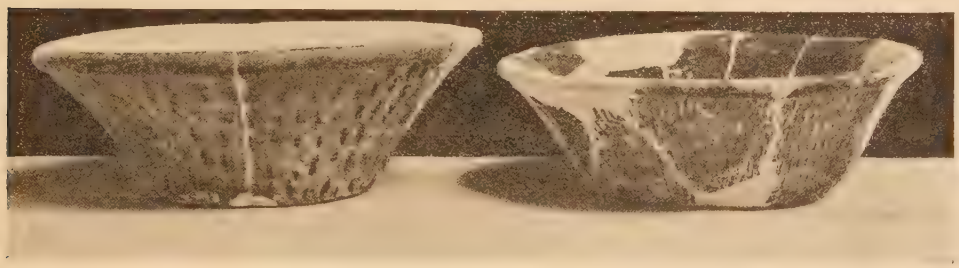


FIG. 23.—PITTED WARE FROM SANTA VERNA. (Scale $\frac{1}{6}$)

Some smaller vases of the common open cup shape [Pl. IX. Fig. 7] are of a better clay, and have an ochre slip on which are raised rows of long narrow leaves in relief (C 8). These vases are common at Corradino South.

(3) Pitted ware.

The vases are usually of moderate size, with a grey or ochre surface, smooth but not polished. In the poor examples the pits are indefinite in shape (B 2). In the better examples the pits are round, elliptical, crescent shaped, or linear, carefully made and evenly distributed (B 3). The finest pieces of all appear to belong to small bowls shaped like an inverted truncated cone with the sides slightly curving out (Fig. 23). The diameter at the rim is about 15 cm. The surface could almost be said to be polished.

In a few cases the pits are used in conjunction with incision to form designs.

(4) Studded ware.

The surface is usually smooth and of a dark colour, and the ornament consists of studs of clay, usually circular, once elliptical, applied regularly all over the vase (D 9). In one case they form only a horizontal zone below the rim, and in another they are combined with deep incision. The space between the studs is occasionally incrusted with white.

This ware undergoes on this site a development which has not yet been seen elsewhere. Instead of the studs being formed of separate pieces of clay and then applied to the vase, a small semi-circular pit is made in the surface of the clay and the clay thus displaced is not removed but shaped into a narrow elliptical stud on the edge of the pit. These studs are flattened and almost polished. Such ware may well be described as both pitted and studded.

(5) Line ware.

The surface is rough, as in scale ware, and of a yellow or reddish colour. On it are incised before firing numbers of parallel vertical lines (G 17). This ware tends to coalesce with the simpler types of scale ware (C 4).

This line decoration is occasionally applied to large vases with a good ochre slip and a slight polish, which more strictly belongs to our Division B.

B. 'Maltese' slip ware.

These are invariably of the same technique. The clay is fairly refined, and the thinly slipped surface may in firing take almost any *dull* shade of grey, brown, yellow, or red. The firing was apparently not under complete control, and many vases are patchy. The colours and the hard surface of this ware make it quite peculiar to Malta. The polish varies immensely, some vases being little more than smooth, the majority rather well polished, and a very few having a very high polish indeed.

All the vases are hand-made, as indeed are all prehistoric Maltese wares as yet known. The thickness of the walls varies from 3 mm. to 20 mm., and in the largest example we sometimes have the same careful polishing as in the smallest. The finest piece is a fragment of an open dish (Type G 25), which is a patchy ochre in colour and has a very fine polish. In a few ochre coloured cups the firing seems to have been almost under complete control, but even here there are patches of darker colour. It is not unusual to find a vase grey or red outside, covered inside with a good

black slip and *vice versa*, and I do not think that this difference is to be accounted for by the difference in the intensity of the firing inside and out. Occasionally, a little red pigment has been rubbed into the rim of the ochre vases during the application of the slip (cf. *supra*, 52).

Many of these vases have no ornament at all, and they then belong to Tagliaferro's classes E 10 and E 11, which differ from one another only in surface colour. Others are incised with designs either before or after firing.

I. Vases incised after firing.

(1) The incisions are made with a fine but *blunt* point, and as they do not penetrate the polish, should hardly be described as incisions at all. The designs, which are barely visible, are usually simple and curvilinear,

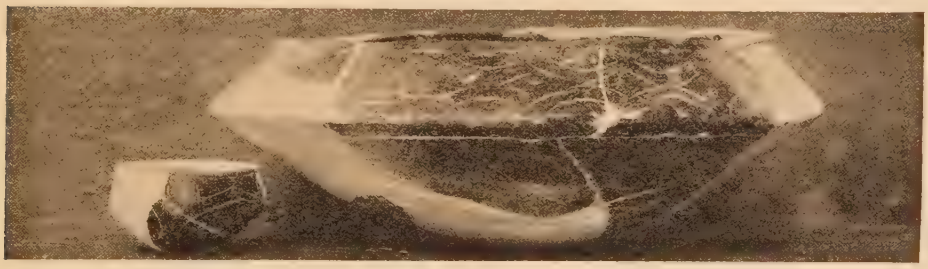


FIG. 24.—INCISED VASES FROM SANTA VERNA. (Scale $\frac{1}{6}$)

and the slip is invariably black or dark grey. The same ware occurs at Corradino South.

(2) The incisions are made with a fine *sharp* point. The patterns include all those found at Hal Saflieni. Lattice designs are frequent (G 18) and in some vases they are so carelessly carried out as to be only a mass of crossed scratches. A few very fine cups of ochre ware show a decoration of fine vertical parallel lines—oddly enough on an unpolished slip. Curvilinear designs are very common and the lines are often toothed (G 22). They include simple curved bands and festoons (G 20) (Fig. 24), and horizontal chain pattern with long narrow pointed links. Spaces bounded by curved lines are often filled in with single or double hatching as at Corradino South, or with dots as at Hal Saflieni (G 23). Some fine fragments show a design apparently taken from the vegetable world and carried out with all the conventionality of a freehand drawing-copy

(Fig. 24). Among smaller elements of design are a fish (?), a pair of horns (?), and several examples of the now familiar circle at the end of a curved line.

Colour is applied to these designs in two ways. Sometimes the incisions themselves are covered with a red pigment which easily powders off (G 21). In other cases the design is carried out in curved bands about 8 mm. wide bordered on either side by incised lines. These bands are then covered with a thin matt red paint, very different from the raw pigment just referred to. The vases on which this ornament is found have always a good ochre slip, rarely firing to grey in patches, and the result is pleasing, especially when the portions of the surface outside the bands are filled with punctures. At the same time neither of these wares can truly be regarded as painted, for the colouring is entirely subordinate to the incision.

(3) The incisions are made with a *broad* and sharp point.

This ornament is naturally most common on the larger vases of 'Maltese' ware. The designs are very simple and consist of a few vertical or horizontal lines, set far apart, never in groups. There are occasional examples of more elaborate design, the most striking being a straight line over which are symmetrically placed at short intervals a series of M's.

A remarkable feature of the Santa Verna pottery is the application of this wide incision to the finer wares. On some of the small highly polished vases are deeply cut, probably with a flint, scrolls and other curved motives which show remarkable steadiness and skill on the part of the cutter.

Sometimes the incisions are fitted with broad triangular teeth roughly cut out.

II. Vases incised before firing (incisions always rectilinear, except 2, *f*).

(1) Corradino incrusted ware.

Of this there are three quite unmistakable pieces. The ornament consists of broad bands cut out and then incrusted with a thick white substance, which often falls away. Some of the bands are fitted on one edge with *long narrow* oblique teeth set close together. This ware seems not to occur at Hal Saflieni.

(2) Various incised designs, usually white filled (G 19).

(*a*) Straight lines usually in close parallel groups, the lines having

very short fine toothing on both sides and a white filling. Five pieces only. Occurs also at Xeuchia.

(*b*) Rather broader incisions in groups of parallel straight lines, but turning off at an obtuse angle about 5 mm. from their end. The fragments do not show how the lines were arranged on the vase. White filling invariable.

(*c*) Groups of vertically-placed zigzags lightly incised (two pieces) and bands of close, rather deep oblique hatching. (No filling.)

(*d*) Horizontal bands with sparse vertical hatching.

(*e*) Bands of three horizontal straight lines with rows of dots above and below.

(*f*) Simple straight or flowing curved incisions, some of the areas marked out by them being filled with punctures. White filling usual. (G 23 in part.) [1]

C. Other wares.

(1) Bahria cut-out ware.

Of this there are five pieces unmistakable from their surface and design.

(2) Red slip wares.

At first sight the fragments would appear to be Bahria red ware (F 14), but on closer examination only two or three (one being part of a T. handle) can be with certainty assigned to this ware. The rest, although they are of yellow clay and have the requisite deciduous slip, are a little too uneven and too bright in colour and may be local imitations. This is certainly the case with a piece of a bowl which shows a thick but hard unpolished slip carelessly washed on. On the other hand two fragments remain of a vase very superior to Bahria red ware, and more highly polished than any yet found in Malta.

(3) Painted wares.

I have avoided giving this name to these types of 'Maltese' ware in which pigment is used to heighten the effect of incision, without a specially prepared slip. The two types now to be described are however true painted wares. I know of no Mediterranean wares which they resemble closely enough to make a comparison of any value. In particular they have

[1] Note in Tagliaferro's paper, Pl. XIII. Figs. 1–6 and 10 are incised before firing (our class B. II. 2. f.) and Figs. 7–9 are incised after (our class B. I. 2).

nothing in common with Sicilian or Minoan wares, their nearest neighbours.

(*a*) Clay rather coarse, variable in thickness. Very thick cream slip, often both inside and outside the vase, smoothed but not polished on the outside, rougher on the inside. Designs in matt chocolate paint; lines straight, thin, and mostly in pairs, several sets of which pairs seem to meet at various points on the body of the vase. But as

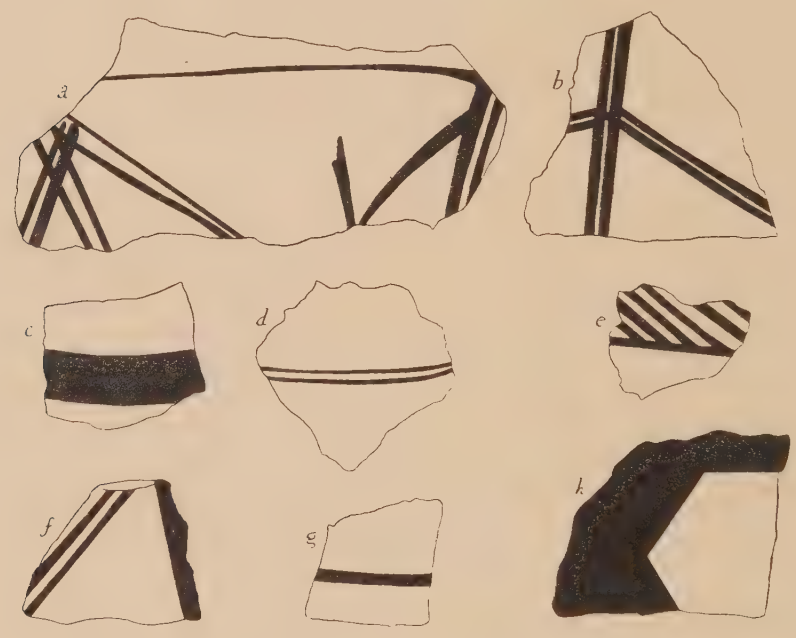


FIG. 25.—DESIGNS ON PAINTED WARE FROM SANTA VERNA. (Scale ½.)

the fragments are small the general scheme of the designs is not clear. (Fig. 25, *a*, *b*, *d*, *f*.)

(*b*) Clay as before, but slip thinner and ochre in colour. Surface unpolished and often very rough and lumpy. Designs in matt brick red, usually in wide straight bands. Fragments too small to give much idea of the decoration. One very small piece (*e*) shows a decoration of hatching. (Fig. 25, *c*, *e*, *g*, *h*.)

The handles.

The handles are of the usual Maltese types. We rarely find simple

holes pierced through the vase wall near the rim, or knobs raised on the vase with a narrow string-hole through them. The tubular handle, (*a tubetta*) is common, consisting of a cylindrical tube fastened horizontally on to the vase. In large coarse vases we find the tunnel handle, a curved passage cut in the wall of the vase, only the two circular entrances being visible from without.

All the handles as yet mentioned are formed to take a string or rope. Those adapted for the fingers are placed vertically and are broad but light. They are flattened above and thus have a sharp elbow at their outermost point. One handle of a much taller type has incised on it an X-shaped design which possibly points to the influence of Bahria ware in which this feature is common.

XIII.—IT-TORRI TAL WILGIA.

In Malta there exist a number of round towers, three of which (It-torri-ta-Jauhar, near Gudia; Torriet and a tower at Tal Bakkari, both near Zurrico) are described by Mayr (*V.D.* 685 = *P.M.* 59, cf. *I.M.* 42), who considered them to be contemporary with the other megalithic monuments of Malta; while others remained unknown to him.

Among these are a tower in the field called Ta Cieda, near S. Julian's, preserved only in a very fragmentary condition, and It-Torri Tal Wilgia, or Il Borg, to the north-west of Mkabba.

Excavations were conducted at the latter in June 1910, with a view to completing its plan and determining its date.

Rather more than half of the external wall is preserved to a height of seven courses, on the north-east side. (Figs. 26, 27.)

The internal diameter was found to be about 9 metres, and the foundations were 1·70 metre thick, the walls decreasing in thickness as they ascend, so that they are 1·45 m. thick at the bottom and 1·10 m. at the top. On the north-east side is a shelf of rock, apparently cut artificially to serve as the foundation, 0·45 m. below ground level, 0·35 m. high, and 0·40 m. wide. As is the case at It-torri-tal-Jauhar, the walls are in most cases a single block thick, and are rectangular, and arranged in courses, though roughly cut, especially on the inner side, where they are quite irregular. The external jointing is bad, and the small stones

which may be seen in the interstices were probably inserted in modern times.

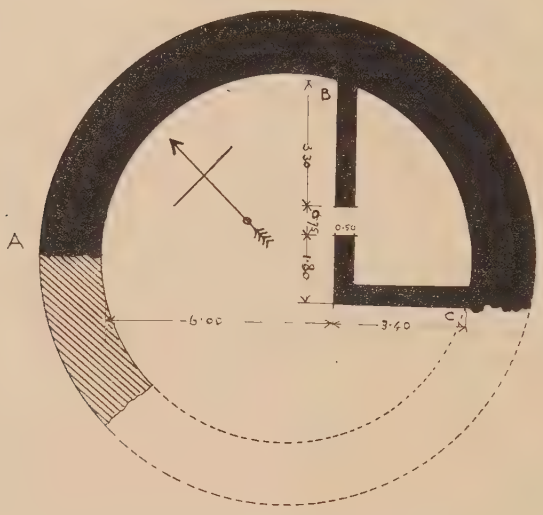


FIG. 26.—PLAN OF IT-TORRI TAL WILGIA.

FIG. 27.—EXTERIOR OF IT-TORRI TAL WILGIA (N.E. SIDE).

The first three courses from the bottom measure respectively 0·75, 0·35, and 0·55 metre high.

Of the south-west portion of the circumference nothing was visible above ground, and, as shown in the plan, only a little of the foundations could be discovered beyond A, and nothing beyond C: elsewhere the solid rock was reached at a depth of about 0·60 metre.

There are, however, the remains of an internal chamber, similarly constructed, but somewhat more carefully, the blocks being better cut and jointed: it was entered by a doorway 0·75 metre wide in the north-west wall (Fig. 24).

Its walls are formed of blocks 0·50 metre thick, measuring 0·62

FIG. 28.—INTERIOR OF IT-TORRI TAL WILGIA LOOKING E.

and 0·60 metre high: one of the blocks (that in the second course from the bottom at the S. corner) is 1·65 metre long.

The footing course is 0·55 metre high, and projects 0·10 m.

The south-west wall is less well preserved, but its line is indicated by the lowest blocks.

The threshold of the inner chamber is about on the same level as the modern field. The chamber had been filled with stones taken off the field, which it was impossible to remove with the means at our disposal; nor did the discoveries made in the rest of the interior of the tower seem to justify the expenditure of more time and money.

In the interior of the tower the rock was found everywhere at a

depth of about 0·65 to 0·60 metre, except at the angle B, where it was 1·50 to 1·75 below the modern field level.

The fragments of pottery discovered in the course of the excavation belong at earliest to the Punic period, and furnish no evidence for Mayr's theory that these towers are prehistoric. Before definitely rejecting it, however, it will be well to carry on investigations in one or more of the other monuments of the same nature which we have mentioned above.

In the field to the S.W. are scanty traces of what may have been another building of a similar nature: two courses of masonry 1·15 m. thick are seen.

Under the field wall to the N.E. of the tower is the shaft of a small Phoenician tomb: it measures 1 metre by 0·88: at each of the narrower ends is a door to the sepulchral chamber.

POSTSCRIPT.

Dr. T. Zammit discovered two neolithic stations, in September 1912, one on the plateau known as 'Il Kallilja' to the North of the Mtarfa hill, and one on the S.W. of the island on the rocky plateau known as 'Ta San Giorg.'

At the former, pottery of the Bahria type was found (*supra*, 3).

PAPERS OF THE BRITISH SCHOOL AT ROME
VOL. VI. NO. 2

DOLMENS AND NURAGHI OF SARDINIA.

BY DUNCAN MACKENZIE.

OUR expedition of 1909 to Sardinia lasted throughout the month of October. Mr. F. G. Newton was present all the time, and after our work upon the Megalithic Monuments was at an end, he even found time to study and draw many of the interesting Pisan churches in the island.

The Archaeological Authorities at Cagliari followed our work with their usual cordial interest. Important archaeological investigations in another part of the island prevented Professor Taramelli from saluting us at Macomer as he had wished ; while Cavaliere Filippo Nissardi was kept at Cagliari by official duties, which did not leave him time to meet us at Nuoro or elsewhere on our way.

Our hunt for dolmens, in which as will be seen we had considerable fortune, would have been all the keener for the company of veterans like these.

The wanderer in Sardinia is always getting to the back of beyond, for he must leave behind him those horrid fields of Vulcan that divide the island into two from Monti to Torralba, from Cagliari to Macomer. The magic of ugliness is there in a desolate land. But going east athwart the barrier of granite hills, he will see Sardinia's beauty where Sardinia's heart is : in Gennargentu. And if he is wise, and after dolmens or sport upon the mountains, he will always go beyond. One of the beyonds is the

plateau of Bitti with its dark fringe of primeval forest, and the remote village of Bitti is at the back of that.

We reached this back of the upland from Nuoro.

Our way to Bitti was past Orune, a village, it is said, in former days of daring bandits, and still of ill repute. The sullen grandeur of its scenery, with gorge and forest near and a background of savage mountains in the distance, made it seem the proper setting for a stage of bandits. Our manner of travel was by stage coach, as it might have been in the days of bandits. And many a glade remotely luminous amid the coppices of cork or ilex forest would give a boy's own shiver of eerie feeling as we were told of wild deeds of yore and of still recent days committed in illicit haunts by the way.

Then we got to Bitti, all in high festival of its Patron Saint, and we at once regretted the somewhat illicit peace of Orune. We did not know till then that Bitti was at the back of the plateau, and not airily on the verge of that as it should have been. In a hollow so deep there was little radiant vista of the morning, and no prospect anywhere at evening of the wide luminous west. The true heart of the plateau is Osidda. It is where Bitti should have been, and Bitti is but a name!

Yet strange anomaly of peasant life! Osidda's women have lost their costume and go about in perpetual mourning of jet and black and in an ungainly mode of forty years ago.

But Bitti is staunch where Osidda is not, and hardly anywhere in all Sardinia will one see anything like the slashed sleeves and goffered kilt skirts of Bitti. We saw them at the festival in a mazy dance of ancient days that seemed the legend of the Labyrinth in symbolic action. And nothing there could rival them were it not the clinging skirts with finest pleats innumerable of the slender women of Fonni and Gavoi. Those women of Gennargentu knew the prestige of their costume too, and showed it off to full advantage in their rapid native dance with a whirl of skirts that was all their own.

Nuraghe Usanis near Osidda.

I visited the Nuraghe of Usanis along with that of Voes and others on the plateau of Bitti on the occasion of my first expedition to Sardinia some years ago. I was accompanied by Cavaliere Nissardi, who out of his large experience was the first to give me a true understanding of those

monuments. It was our ill-luck that official duties at Cagliari kept the Cavaliere from joining us on subsequent expeditions, for we knew how strong for him was the call of the Sardinian wilds, and how much the uncanny spell of the Nuraghi was upon a man who knows those, and in one large embrace with them loves Sardinia as no one else ever will. In him profound instruction and genial company were joined in one to make every *passeggiata archeologica* a delight.

The Nuraghe is situated on a mass of rock-boulders, a little to the right of the high road from Osidda to Bitti and about twenty minutes away from the village. All around is the undulating open moorland of the Bitti plateau with its characteristic thickets of bramble and other scrub and its maze of boundary dykes. Several other Nuraghi scattered at points of vantage on boulders of the plateau are in sight, but Nuraghe Voes itself is hid from view in remoter distance. The Nuraghe of Usanis, occupying as it does a prominent position in full view of the high road to Bitti, is a favourite haunt of shepherds who probably have intimate reasons of their own for making it a tower of outlook. In their handsome Bitti costume they lend their own striking dash of local colour to the characteristic pastoral scene. Proud as they are and yet debonair, they are the true shepherd kings of the upland and the men of Osidda hate them well.

Signor Nissardi had brought me on purpose to see Nuraghe Usanis as an interesting example of the fortified character of these monuments. All this comes out very clearly on the Plan (Fig. 1). The central cellas of the Nuraghe are built on to the rock boulders and reinforced by massive outwork walls of circumvallation in a way which makes the fastness patent to every eye. The combination of the two cellas is curious and the through passage between them with a niche, is a singular feature probably recommended by peculiar local conditions. In the entrance passage to the cellas we observed no niche or stair, and it is thus possible that there was no upper story ; the smaller chamber may have served instead. The outer wall of circumvallation on the north-east side probably enclosed part of the Nuraghe settlement within it.

The front of the Nuraghe system faces south. The material of construction is the granite of the district, as in the other monuments which we shall describe. On an adjoining knoll three minutes away on the south-east side is a much ruined Tomba di Gigante and this was probably the family sepulchre of the people of the Nuraghe.

The Nuraghe of Sotteri.

The Nuraghe of Sotteri shown in Fig. 2 is situated in an open valley on the forest track between Osidda and Buddusò. It is inhabited by local shepherds who have roofed over its cella temporarily for their own purposes.

FIG. 1.—NURAGHE USANIS, NEAR OSIDDA.

The monument, which externally appears to be of the normal type, shows one or two anomalies.

The entrance corridor has no niche on the usual right-hand side but here the stair goes up instead to the second floor.

The cella has the customary three niches, but one finds to one's surprise on entering the left hand niche that an extra stair ascends from this presumably to the third floor.

The roof of the ground floor chamber as well as the whole of the second and third storeys has disappeared. The Nuraghe faces south.

The Nuraghe of Loelle near Buddusò.

The Nuraghe of Loelle is situated in an open coppice wood on the left-hand side of the road from Buddusò to Bitti (Pl. XXIX.

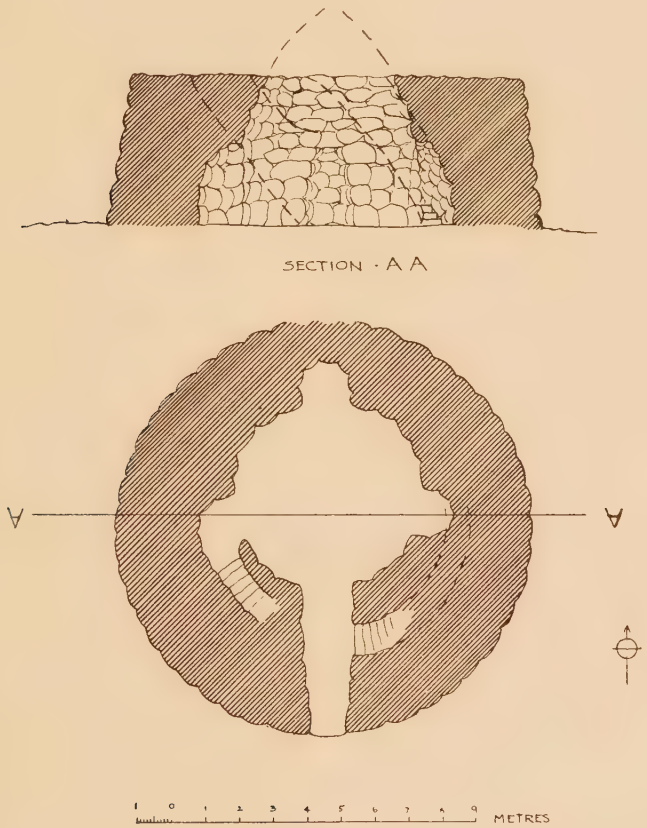


FIG. 2.—NURAGHE SOTTERI, NEAR OSIDDA.

Fig. 1.) The road from Buddusò winds away gradually upwards on to the plateau for an hour or more through forests of cork and ilex with massive granite boulders before Loelle is reached. The sombre ruins of the great Nuraghe lend an uncanniness all their own to the desolate upland scene.

There is again a grim suggestiveness in the dreary track that just in front of the Nuraghe leads eastward to the penal settlement of Bitti. The excessive rigours of bureaucratic laws in the institutions dealing with crime like those of France and Italy often mean much that is horrible and ugly in these southern lands and the one blot on the beauty and grandeur of that landscape is that weary track to the Colonia Penale of Bitti.

Nuraghe Loelle is shown in detail in Pl. XXIX. Fig. 2, looking somewhat west of north. A Plan and Section of the monument with a sketch view of the front have been prepared by Mr. F. G. Newton (Fig. 3), while the general Sketch showing the roadways elucidates the relation of the Nuraghe to its environment, which includes a Giant's Tomb to the south (Fig. 4).

The Nuraghe is very finely situated on a shallow knoll with granite boulders, and one of these on the north-east side is so massive as to seem a natural bastion. It appears beyond the ilex tree on the right-hand side of the picture. The Nuraghe has an extensive view of unusual grandeur in different directions especially towards the north across the valley of S'Ena as far as the jagged mountains of the Gallura, as well as south to the central Sardinian *massif* of Gennargentu.

Much damage has been done to the Nuraghe in the course of road-making so near at hand, and the marks of this are evident on the Plan and in the View. But its solid granite masses have withstood the assaults of time so well that the monument as seen from the front is still one of the finest in Sardinia.

The diagonal front view (Pl. XXIX. Fig. 1) suggests a symmetrical arrangement which seems still further emphasised in the full front sketch by Mr. Newton. But if we consult the Plan and Section, we shall not fail to notice various anomalies and an unusually intricate connexion of the parts.

At the very start the impression of symmetry is disturbed by the presence of the doorway in the right-hand bastion instead of in the usual central position between a pair of bastions. On entering, one encounters the usual guardian's niche on the right-hand side of the corridor. But to our surprise, we find that there is no corresponding stair on the left. However, we go straight on, as we think, into the cella of the bastion. Instead we arrive at the foot of a stair which winds up spirally to the right where the bastion chamber ought to have been. At the top the stair

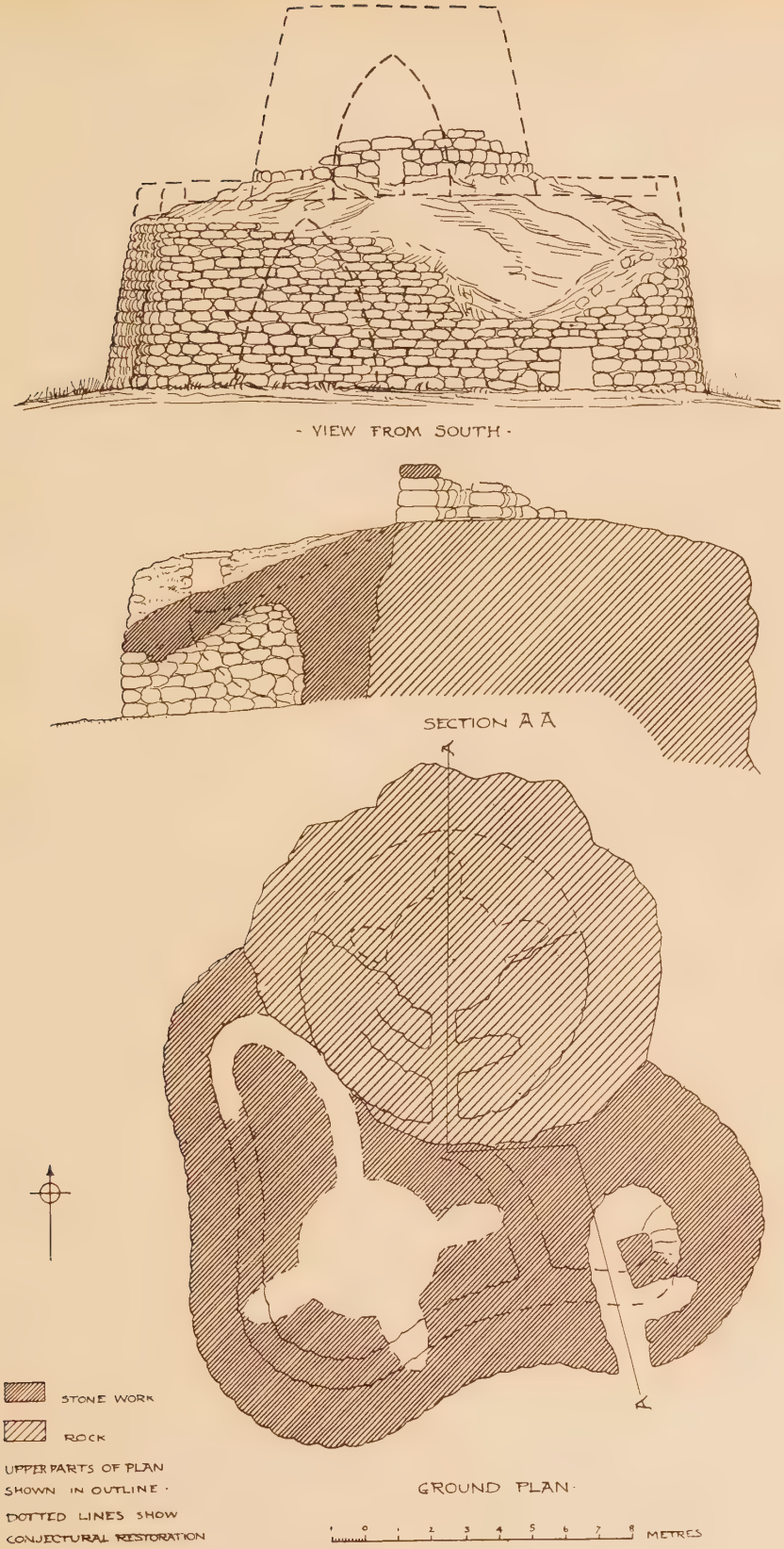

- VIEW FROM SOUTH -
SECTION A A
STONE WORK
ROCK
UPPER PARTS OF PLAN SHOWN IN OUTLINE -
DOTTED LINES SHOW CONJECTURAL RESTORATION
GROUND PLAN -
0 1 2 3 4 5 6 7 8 METRES

FIG. 3.—NURAGHE LOELLE.

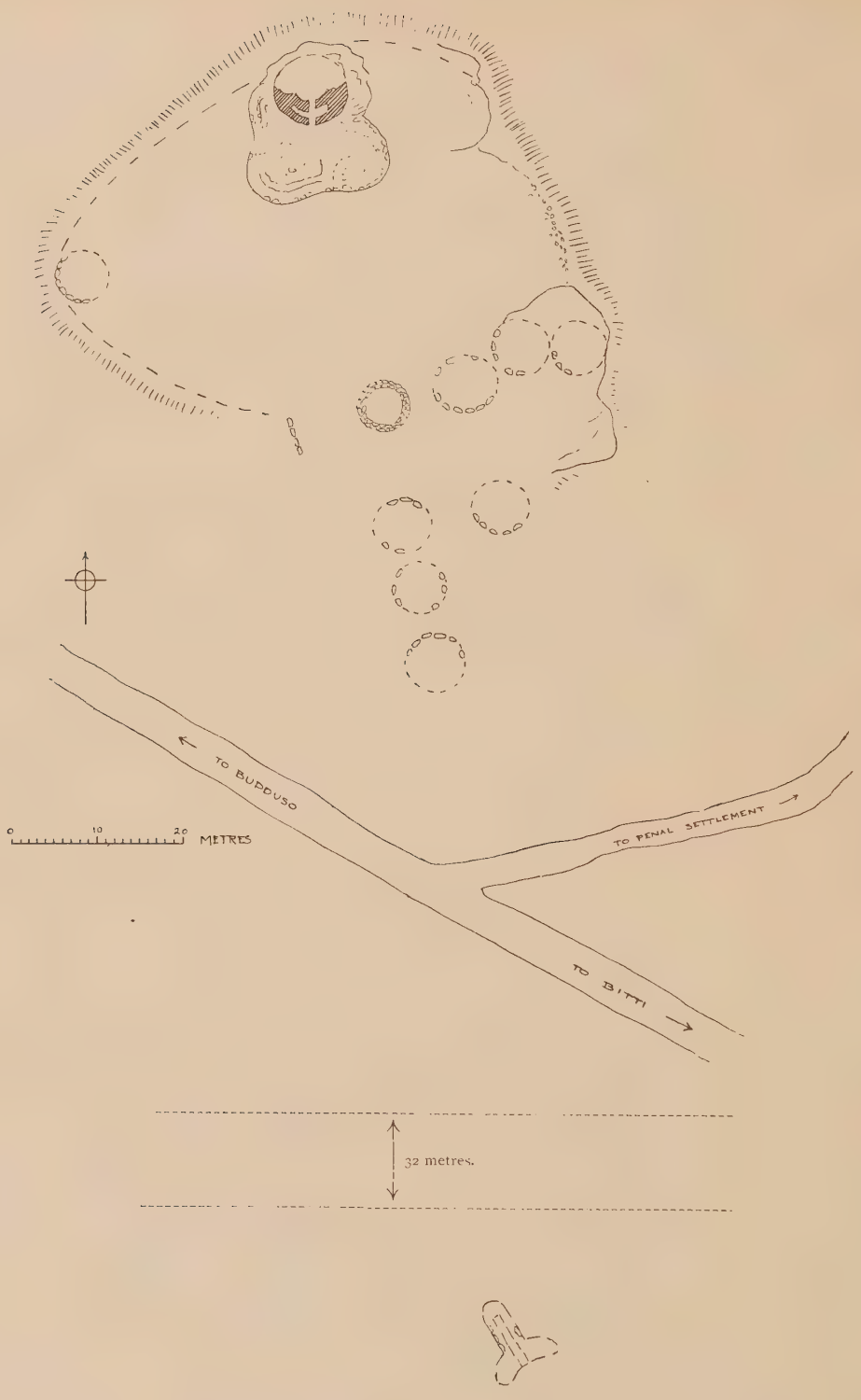


FIG. 4.—NURAGHE LOELLE: PLAN OF SURROUNDINGS.

lands us in a gallery which skirts the south and west sides of the building. Near its start the gallery sends off a branch to the right which is evidently connected with the central cella of the Nuraghe behind. Before reaching its end on the west side the gallery would seem to take a sharp curve to the right and then south in order to reach the upper cella of the left-hand bastion.

The central cella of the Nuraghe is behind and is of the usual plan. As, however, it stands upon the massive boulder referred to its ground floor seems to have been already on a level with the upper story of the front part of the building. The doorway of this central cella is visible in the picture above, and it is noticeable that it stands higher than the gallery.

The most exceptional feature is the gallery itself. It is an advanced characteristic in the architecture of the Nuraghi, and we have already seen it at Voes subordinated to a consistent and carefully thought-out plan.[1] At Loelle, however, the anomalous relation of lower to upper floors brought about by the presence of the great boulder on which stands the central cella, would seem to have suggested an arrangement of the gallery which is much more round-about than at Voes. Unwelcome visitors, not acquainted with the internal arrangements of the fortress might easily find themselves in a trap once they ventured to ascend the fatal stair in the bastion. The labyrinthine windings of these galleries, sometimes as at Voes leading to a seeming nowhere, were undoubtedly meant as a device to bewilder the unwary. They were left obscure on purpose like the winding stairs in the walls, and there was never more of light than was afforded by a loophole here and there. This obscurity imposes on the stranger still, and no one ever entered a Nuraghe without being overawed to silence in those whispering stairs and galleries with their perpetual twilight of the gloaming and their ghostly shadows of eld.

The bird of wise Minerva is always there. Italian pipistrelli flutter nightly in gallery and stair. Neither bird nor beast are they! And men of Bitti will haply tell you they are vampires from Giants' Tombs near by, and that on stair and battlement and tower of the Nuraghe they take the guise of living men for once of a year at Hallow E'en as the clock strikes the midnight hour.

[1] See *P.B.S.R.* v. 91, *sqq.* and Fig. 1.

Dolmen Sa Janna de su Laccu.

It was fortunate that our host of the inn at Buddusò was a keen hunter with an unrivalled knowledge of the country. He combined very great intelligence with what seemed to us a true scent for dolmens. This we very soon found out, for from our inquiries about tombs with one great slab above, he had no difficulty whatever in understanding what we were after. He chuckled and rubbed his hands with glee, but he was much reserved and would not speak then, he would show me to-morrow. Besides, we were spoiling a good dinner of jugged hare, and he was sure we should like the wine of Buddusò: it was better than the best of Oliena. "There were few things," he added, as he sat down with us to table, "that tasted so good to the palate as jugged hare of the Bitti moors, washed down with red wine of Buddusò." "You hunt on the Bitti moors," I said, "and it would seem as if there were other and rarer game there even than March hares." But he would not be drawn further, and simply added with fine evasive wit: "March hare is jugged witch and a revolting dish: not even the ruddiest wine of Buddusò will wash that down!"

Next morning as we were ascending through woodland glades on to the upland, I said to mine host, "You retorted well about the jugged witch last night. But all the same, I am certain you mentioned the Bitti moors on purpose. We seem to be going there now." All his answer was from a legendary ditty about

> "A wicked old witch of Buddusò,
> Who brewed you a brew that was so so,
> Compact of herbs she had culled in the night,
> Never returning till morning light."

With this sort of parleying we gained the open moor.

After emerging from the wood we found ourselves in hilly country descending somewhat among great masses of granite boulders. Then mine host was as good as his word. Beyond the boulders on a roomy terrace called Su Laccu he pointed out his dolmen. Not only so, but he added that there was a second dolmen called Sos Monumentos much lower down the slope near the right bank of the river Tirso.

The terrace on which the dolmen of Su Laccu is placed slopes down gently and at some twenty metres away falls more rapidly to east, south and west. Behind on the north side are the rugged masses of boulders we had passed and still further away on the same side other granite boulders,

with a few stunted cork or ilex bushes here and there. Bramble with other prickly undergrowth abounds all over the rough ground. There is an extensive view over the Bitti plateau on all sides except the north. The dolmen with this background of granite boulders to the north is shown in Pl. XXX. Fig. 1.

The monument is further illustrated in the Section and Plan of Fig. 5. The dolmen, as will appear from these, is of very primitive type. The cella is well preserved and traces of a duplicate wall of enclosure are

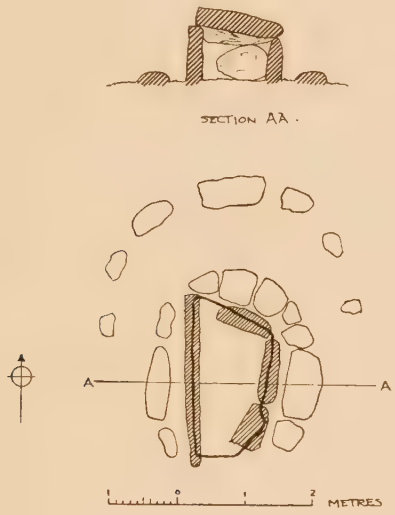


FIG. 5.—DOLMEN SA JANNA DE SU LACCU, NEAR BUDDUSÒ.

shown on the Plan. The cella is of roughly rectangular shape and the monument in this respect resembles the more primitive dolmens of Corsica, which also show the wall of enclosure. The cover-slab is in position but it lurches somewhat so as to be lower on the east side than on the west and it is also lower behind than in front. The upright back slab is not wide enough to take up the whole width of the cella and it has a gap on the north side filled up with stones probably placed there by shepherds, who have used it as a shelter. The entrance slab is gone. The tomb faces south.

The Dolmen de Sos Monumentos.

We now proceeded to the other dolmen. This is situated in the locality of Monumentos a minute away to the right of the river Tirso, which is here only a tiny brook. At this part the stream meanders away in a south-westerly direction through meadow country with bramble and thistle and thorn about. Low pastoral hills with granite boulders crown the expansive reaches of the uplands and there are distant views over these as far as the massive mountain barrier of Bono to the west.

The view is confined on the east side on account of the gradual slope

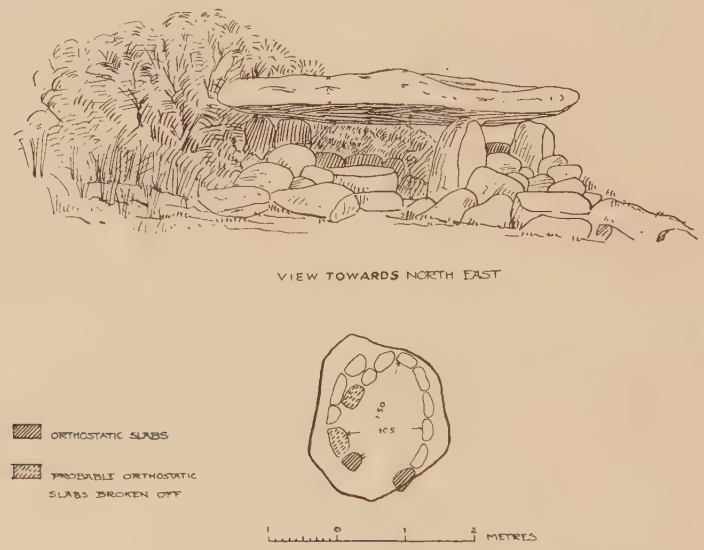


FIG. 6.—DOLMEN DE SOS MONUMENTOS, NEAR BUDDOSÒ.

up of the hillside in this direction. This hillside gets more and more rugged with great granite boulders as one ascends. The tomb is distant only about seven to ten minutes down the slope in a southerly direction from the other dolmen of Su Laccu.

The monument has behind it on the north-east side a thicket growth of bramble and thorn and coppice trees among granite boulders and this is the view which is shown in Pl. XXX. Fig. 2. As appears from this and the sketch view (Fig. 6) the tomb has its large rounded cover-slab in true horizontal position but the vertical cella slabs have been all broken off to stumps except the supports behind and two on either side of the entrance.

Two upright blocks on the left hand side have been clearly reduced to stumps which still remain sticking out of the ground. The intervals between the upright slabs were apparently filled up with rough coursed masonry. This is still discernible for two partial courses on the right hand side. The coursed masonry may be an after-thought but shepherds' work is usually more make-shift than this. Coursed masonry splayed or unsplayed above we have found already in vogue in Sardinia in the period of the dolmen civilization and there is a constructive *raison d'être* of utility in the occasional combination of orthostatic with coursed work. Once the cover-slab could be poised on its upright supports the intervals between these might very conveniently be filled up with coursed masonry.

There is no trace above ground of the wall of enclosure, but the masses of displaced stones about and the stumps of upright slabs tell a tale of pillage which may well account for the disappearance of this.

The tomb is orientated towards the south-west.

The Dolmen of Elcomis.

The Dolmen of Elcomis required a separate expedition. It is situated in the locality of the same name on the south slope of a high range of deeply-wooded hills going west from Buddusò. A ride of one hour and twenty minutes brings us to the tomb. As one emerges from the woodland into sequestered meadows one sees the huge masses of granite boulders all over the mountain slope, while clumps of oak give a glade-like character to the still pastoral scene. The view to south-east, south and west is one of unusual width and majesty. The Nuorese is there in distant vista with its grand back-ground of the Gennargentu, while on a lower plane of vision one loses in dreamy distance the great level sweep of the Paulilatino table-land.

There is an undergrowth of bramble bushes and black-thorn shrub all round, and these cluster thickly about the tomb. An oak tree here and there suggests the touch of woodland in the pastoral scene. Massive ledges of granite boulders close behind against the sky would seem to be the natural counterpart and fitting back-ground of such a tomb. The view is shown in Pl. XXXI. Fig. 1.

The state of preservation of the tomb is shown on the Section and Plan (Fig. 7). The cover-slab is in position and rests on orthostatic slabs, one on either side and one behind. The portal slab is missing.

The cover-slab has been much chipped or broken away, especially in front and behind. In front a large piece seems to be missing. Here, on

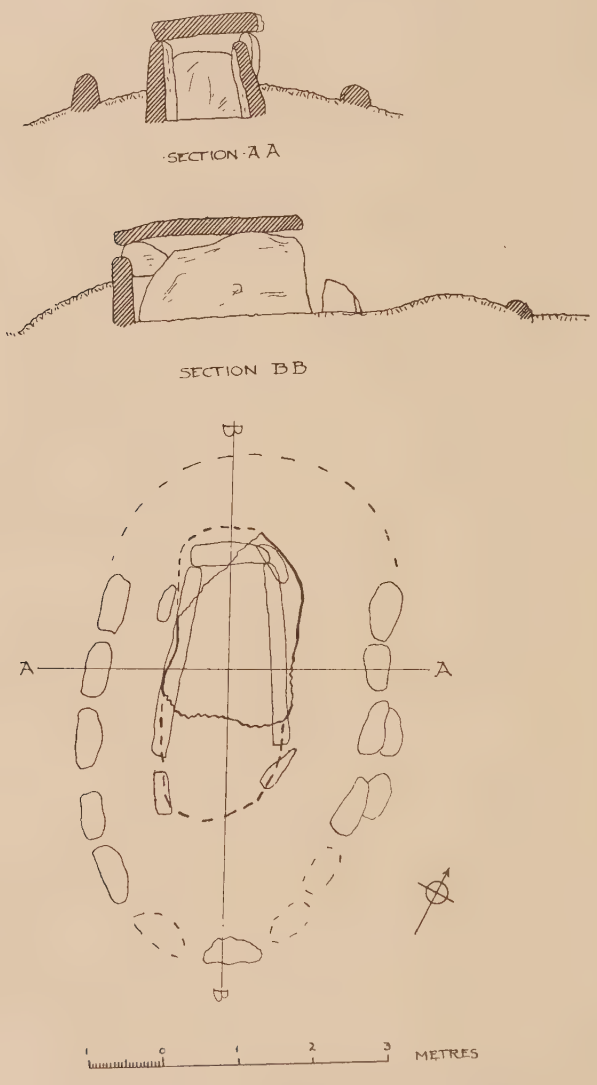


FIG. 7.—DOLMEN OF ELCOMIS, NEAR BUDDUSÒ.

either hand, there sticks out of the ground the stump of what may have been originally a further orthostatic slab to the right and to the left. In

that case the cover-slab would have extended far enough to cap them. The stumps have the appearance of having been forcibly shifted out of position before the slabs were broken. The smashing of the cover-slab also affords additional indication that it was at this part the treasure-hunters entered the tomb. The monument faces south.

On either side and in front the foundations of an elliptical wall of enclosure are more or less in position. This arrangement has a wide distribution in the megalithic world where it is not uncommon for a rectangular dolmen cist to form the centre of a circular wall of enclosure. If the stone circle is confined and the dolmen elongates to a rectangle, the circle easily becomes an ellipse as a natural outcome of development.

It is quite possible that such elliptical walls of enclosure were more common even in Sardinia than we think. If once you have a dolmen entered from the front when it was plundered, the truncated appearance of such walls at that part may sometimes very well have been due to the operations of the treasure-hunters.

But there is a further question that suggests itself. Were these enclosing walls always a mere retaining circle or square to a cairn of stones or a mound of earth heaped on the tomb? We now know that in Sardinia at least it was not always so, and in the later period of the Tombs of the Giants, what seems a mere retaining row of stones or slabs, was really but the lowest visible course of a stone covering for the whole mound of the tomb.[1]

As regards the earlier phase of development to which the dolmens belong, we have not as yet got any direct evidence from Sardinia. But in the neighbouring island of Corsica, where the dolmen had a much longer history without any essential transformation than in Sardinia with its Tombs of the Giants, we have the covering mask of stone for the whole monument present at an early period. Thus, though the direct evidence from Sardinia is lacking, it is difficult to imagine that dolmens like those of Su Coveccu and S'Enna sa Vacca did not also have their complete covering of stone.

Besides, the tendency of comparative evidence is in the same direction. Not only have the Tombs of the Giants in Sardinia itself this covering, but the Sesi of Pantelleria and the Navetas of the Balearic Isles show it as well. Further afield to the east and west it is the same. And a

[1] See *P.B.S.R.* v. 109, *sqq.* and Fig. 7.

rectangular mask of stone to a cella which may itself be rectangular or round, is seen in primitive conditions in Palestine and Moab,[1] while in Egypt from the mastaba it attains to its apotheosis in the pyramid tombs. In the west of Europe our own islands show us combinations of the circular and apsidal enclosures in stone attaining to their sublimation in the monumental grandeur of Stonehenge.

There is another matter on which the constructive system of the dolmen tombs may give us a hint as to later development. The picture of the front of our tomb shows the cover-slab supported on an upright slab on either side. But the portal slab is missing. If this were present, the edges of the other slabs would appear as a sort of cornice to it. One has only to translate this decoratively into stone in one piece to have an ornamental portal slab like those so characteristic of many Tombs of the Giants in Sardinia.[2] In these the side parts of the cornice are seen to incline somewhat towards each other above, but this feature only reflects once more a similar inclination of the orthostatic slabs of the dolmen tombs, which again had its own structural advantage as against a more strictly vertical disposition. Our own dolmen of Elcomis shows it, though here the violence of the treasure-hunters has caused the right-hand slab to lurch much more out of the vertical position than it originally did. A classical example of the true inclination of the side slabs when strictly in position is provided by the Dolmen of Fontanaccia in Corsica.[3]

The gable arrangement arched above into an elliptical curve which seems always to surmount these frontal slabs, either separate or in one piece, appears to have a similar relation to the curving top of the mound or mask of stone which covered the tomb.[4] It seems to reflect that decoratively though not in its true proportions. It is a narrower inner curve to a wider outer one, and it is possible it may not have come into existence until a time when the false arch internally in splayed masonry gave a measure of proportions which was more strictly in correspondence with the size of the entrance.[5] Once it came into existence, however, it must have given much more scope to the free play of the purely decorative principle than the portal part of the scheme.

[1] *Palestine Exploration Fund Annual*, i. (1911), 12.
[2] For typical examples see *P.B.S.R.* v. Pl. XI.
[3] *Ibid.* Pl. IV. Fig. 1.
[4] See *ibid.* 116, Fig. 9, Front Elevation ; 132, Fig. 16, Front Slab.
[5] *Ibid.* 119, Fig. 11, Section BB.

Dolmen sa Codina de Matta Oe.

Our host took me now into the inner recesses of the forest for, as he was proud to tell me, he was not merely a hunter of the moorland, but a *cacciatore* of the woodland glade. He then brought me out into a queer opening of the forest where there was an unusual vision of woody distance over the tops of the trees. Here was spread out an almost level floor of granite which looked as if made by nature for some mystic sylvan dance. I then espied the dolmen we had come to see in a quiet lushy nook to the right where the trees began. The view described is shown in Pl. XXXII. Fig. 1.

"I was sure you would be startled by the strange unusual beauty of this place," said mine host. "People say it is haunted, and my aunt Francisca, who was a sonnambula or wise woman, and had the second sight, used to say that this was the dancing ring of the fairies. Once when I was a child she showed them to me here as we sat together on that great flat stone there," pointing to the dolmen; "she was in one of her sleep-walking trances, and the way she did it was this. She took hold of my hand in hers, which was icy cold, and then I saw it all as clear as day. It was as lovely as heaven, but I will tell you all about Zia Francisca and the fairies to-night as we sit round the fire."

The dolmen itself was as queer as its surroundings. It was half natural and only half made with human hands. A second picture (Pl. XXXII. Fig. 2) gives a more central view of the monument. A Plan and Section of the tomb with a Sketch of it in relation to its environment are shown in Fig. 8.

To the north of the tomb and abutting against it is the wide platform of granite referred to already, and at the north-east limit of this there is said to have been situated a second dolmen, now destroyed. The platform rises slightly northward.

The tomb has got its cover-slab in position, but the front part of this has been broken off and lies a little to the front turned upside down. The greatest amount of injury to the tomb has been in this direction. The Plan above shows the condition of preservation. The cella is constructed on the principle of upright slabs, but the two stones that remain in position on the left-hand side are rough blocks that may have happened to be there in a state of nature. There is no indication of a wall of enclosure.

The tomb is orientated with its front facing east.

Dolmens in the Territory of Buddusò now destroyed.

We have already mentioned the roadway that passes in front of Nuraghe Loelle towards the Penal Settlement of Bitti. A little to the right of this roadway and not more than a few minutes distant from the Nuraghe, were two dolmens that used to be familiar to our host of Buddusò, but that have now disappeared.

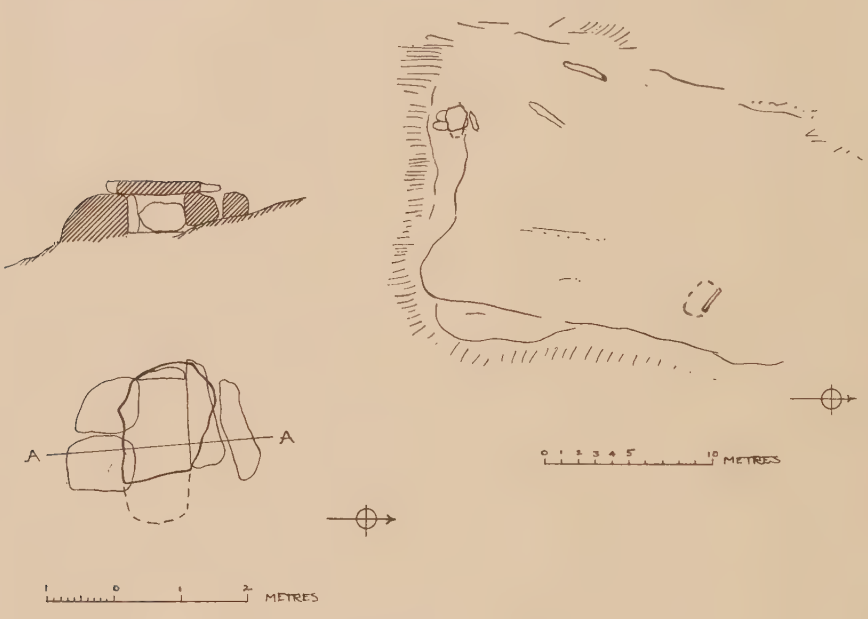


FIG. 8.—DOLMEN SA CODINA DE MATTA OE.

The Dolmen of Steritogiu.

This dolmen was situated five minutes to the east of Nuraghe Loelle and two minutes to the right of the road to the Penal Settlement. It was built alongside of a great flat mass of granite boulder, and on the south-west side of that. The great cover-slab, the size of which gave some clue to the importance of the monument, lay on the spot. But the north side of it next the roadway was smashed to pieces which themselves had disappeared. Our host said that this was done by the convicts in the course of building the roadway, and that it was they, acting under orders, who had destroyed the two dolmens.

The Dolmen of Stiddì.

This dolmen was situated a little further on about seven minutes east of Nuraghe Loelle, and on the same side of the roadway as the other. It was about ten metres to the left of the stream Stiddì, which runs south-west at this point. The tomb was placed against the west side of a mass of granite boulders with two ilex trees on it. To east is a level meadow through which the stream passes south-west, and the road to the Penal Settlement east-north-east through the open coppices of the thinly-wooded country. The dolmen is now entirely destroyed, and nothing can be made out beyond some fragments of the blocks and slabs of which it was composed.

Dolmens destroyed in search of Treasure.

But more notorious than the poor convicts, who, after all, were only acting under most severe but most stupid orders, was a notary fellow of Ozieri called Biddau Gavino Sava, who, according to information gathered on the spot, destroyed many of the dolmens in those parts twenty years before in search of treasure.

It is indeed a curious result of the working of the official bureaucratic system that you should have one law which provides for the protection of ancient monuments, and another law which permits the destruction of the same monuments under official auspices. But it becomes a rather dismal comedy when a limb of the law himself organises the wholesale destruction of such monuments over a whole country-side because he has gone mad on treasure-trove and cryptograms.

Nuraghe Iselle, near Buddusò.

The Nuraghe of Iselle stands on a commanding rock of granite boulders at about twenty minutes' distance west of Buddusò. The Nuraghe was seriously injured some twenty years ago, partly by treasure-hunters, including the parish priest of the time, partly by the proprietor of the fields on the low ground to the north—Giammaria Ledda Campus, who used the materials for building farmyards and out-houses. As can be seen from the Plan and Section of Fig. 9, the whole right-hand or east side of the Nuraghe facing Buddusò has disappeared in this way.

The Nuraghe was of great strategic importance, as it commanded the valley of S'Ena de Podru Oes as far as Alà dei Sardi to the north-east, as

well as a considerable distance down the valley to the west. To the south-east and south again it was in communication direct or indirect with several Nuraghi as far as Loelle and Ortuiddes. To the north in full view is Nuraghe Ruju, while beyond this again are the mountains.

The Nuraghe, as shown in the Plan and Section, was quite anomalous in some of its arrangements. The entrance corridor on the south side

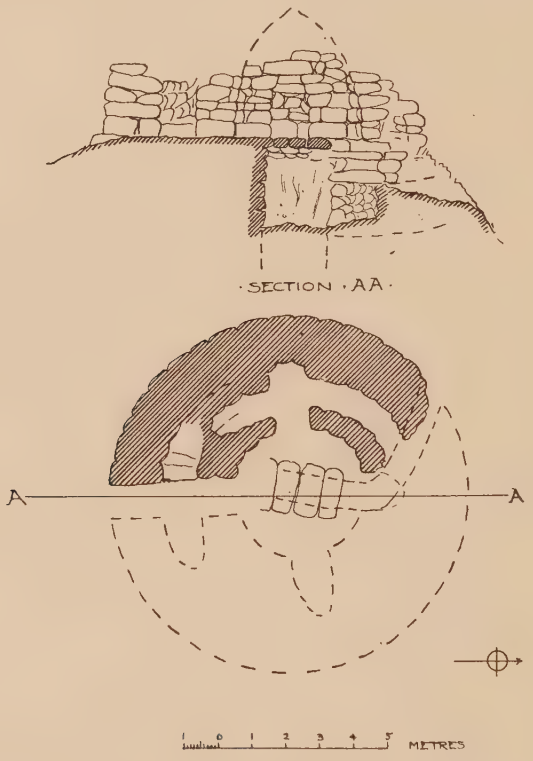


FIG. 9.—NURAGHE ISELLE, NEAR BUDDUSÒ.

showed the usual stair up on the left, and the niche could be assumed on the right-hand side.

In the central cella where the left-hand niche should have been there was a doorway to a gallery in the thickness of the wall which curved round to the right. In the left or back end of this gallery was a deep niche, while opposite the doorway was a second much shallower recess. As can be seen from the Plan the termination of this passage is now lost.

A strange feature in the floor of the cella was a row of slabs like those that form the ceilings of the Tombs of the Giants, and it was seen that these were hollow beneath. Closer observation showed that the slabs formed the cover to a well beneath, which is shown on the Section. The gallery in the wall of the cella possibly led to this by a roundabout way. There seems to have been a separate external access to the well on the north-west side which became one with the other inside the Nuraghe. This separate access was probably to enable the inhabitants of the Nuraghe settlement to draw water in the daytime. But it could be shut off at night, and the people of the Nuraghe could then still have internal access to the well by their own passage-way.

It was the mystery of this underground chamber that had attracted the somewhat occult curiosity of the former parish priest of Buddusò and his friends. But the worthy Giammaria Ledda Campus was of a more practical if also more purely destructive turn of mind. Intent as he was on his scheme of new farm-yards and sheep-folds at little expense to his own pocket, he simply hurled the materials conveniently to hand down the steep slope and the Nuraghe was well-nigh done for!

The Dolmens of Iselle

Two dolmens that once existed in the environment of Iselle have had no better luck than the Nuraghe itself.

The poor remains of one such dolmen are shown in Pl. XXXI. Fig. 2. It lay about 100 metres south of the Nuraghe on ground strewn with boulders which slopes down gradually east. Bramble and thorn bushes with other scrub are scattered sparsely about.

The tomb has been so much damaged that it is now hardly recognizable as a dolmen. The cover-slab was removed and broken up by the same Giammaria Ledda Campus who had wrought such destruction on the Nuraghe itself. It was afterwards pointed out to me built up into a doorway of the sheep-fold below.

Nothing of the tomb is discernible above ground except what is shown in the picture. It is likely, however, from what still remains that the dolmen was of elliptical shape and that it had its cella composed of rather narrow upright slabs helped out with small stones. The tomb would thus have resembled the dolmens of Birori.[1] The tomb faced the east.

[1] *P.B.S.R.* v. 133, 134, Fig. 17; *Bull. Paletn.* xxxii. (1906) p. 268, and Tav. xxiii.

The second dolmen of Iselle of which there are still some reminiscences at Buddusò was situated in a meadow with oak trees in it about 150 metres south-west of the dolmen referred to above. The meadow was the property of a certain Salvatore Senes who brought away the cover-slab to a garden of his near Nuraghe Ruju in the valley of S'Ena. Here it was pointed out to me. Nothing at all was discernible of the dolmen itself except an upright slab on the left-hand side. The indications are that the dolmen was built up against a great granite boulder on the east side of the spot it was said to have occupied.

The Nuraghe of Sa Serra near Alà dei Sardi.

We went to Alà dei Sardi armed with a strong note of recommendation from our genial host of Buddusò to a friend at Alà, who also happened to be keeper of the inn there.

Alà dei Sardi had appealed to our imagination before we went. In almost all our rounds about Buddusò it was visible in dreamy level distance away up the valley of S'Ena to the north-east. It seemed to us a place entirely out of the beaten track: *questo lembo di terra Sarda*, and its very name had the sympathetic suggestion that it was Sardinian of the true Sards.

The Nuraghe of sa Serra is situated in the locality of the same name half-an-hour to west of Alà dei Sardi and ten minutes to right of the high road from Alà to Buddusò. It occupies a commanding position on a high mass of granite boulders in the midst of the wide upland valley (Plate XXXIII. Fig. 1). The valley is undulating here with great boulders of granite forming the high points here and there. The whole is thinly clothed with oak and ilex wood, and stunted hawthorn and blackthorn, ilex and oak are scattered about the crag on which the Nuraghe stands.

The view to north and north-east is limited. To east, south and west it is extensive. Nuraghe Ruju to the north of Buddusò is not visible, but Nuraghe Iselle appears to the westward on its height beyond Buddusò. There is just a glimpse of the campanile of Alà to the east, but the village north of this is concealed by a neighbouring height.

The west, north and north-east sides of the crag are precipitous.

The east and south-east sides slope more gently, and are of more easy access. To the east is a wide boulder forming a platform on which there possibly was an outwork bastion.

The Nuraghe settlement extended rather wide on the east, south, and west sides.

The arrangement of the Nuraghe and its state of preservation will be best understood from the Plan and Sections of Fig. 10. The central cella is fairly well preserved, but the roof has fallen in. The walls are best preserved on the north-east side where nineteen courses can be made out. The plan is normal except that there are two niches only instead of the more usual three.

The arrangement of approaches and bastions is curious, and can only be conjecturally understood by reference to the Plan. The external doorway on the east side enters one bastion there with a guard's niche on the right-hand side, but instead of a stair on the left, such as is usual in the case of a central cella, a short passage-way passes to the left into a cella in a second bastion on the south side. Thence a stairway passage seems to ascend to the doorway of the central cella, which adjoins and looks south-east.

A *Tomba di Gigante* very much ruined, but which probably belonged to the Nuraghe, exists at a distance of some 150 metres to the east.

Nuraghe Boddo, near Alà.

The Nuraghe of Boddo is situated in the locality of the same name, about three-quarters-of-an-hour to the south-south-east of Alà. The country is of an upland character with many undulations, and is partly meadow and cultivated, partly pastoral and sparsely wooded with cork, oak and other trees. Masses of granite boulders rise here and there, and the Nuraghe is placed on the most prominent of these. A plan of the Nuraghe is shown in Fig. 11.

The Nuraghe is of perfectly normal type, and it has the remains of shallow bastions on the south-east, south and west sides. Its doorway is orientated somewhat east of south.

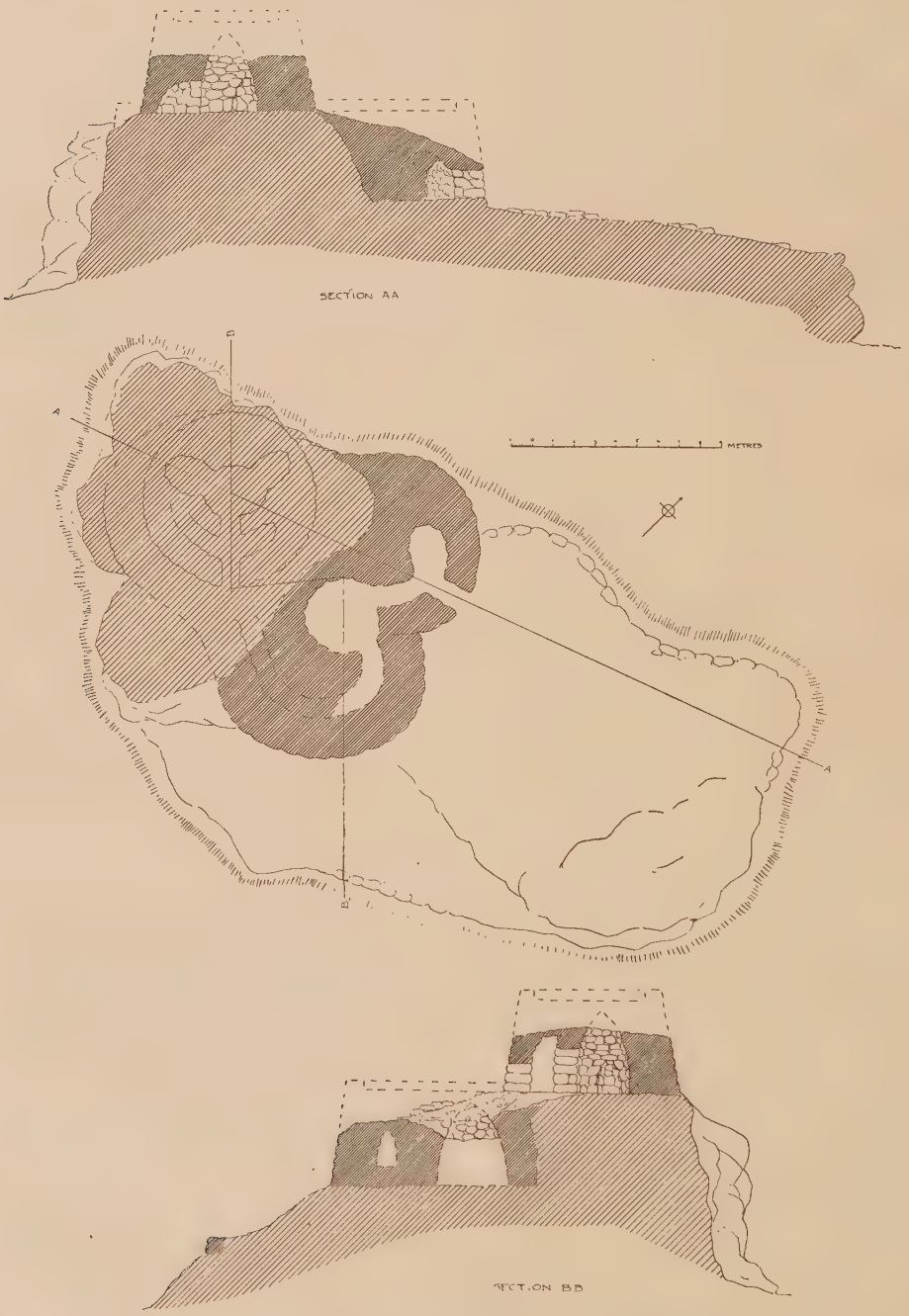


FIG. 10.—NURAGHE OF SA SERRA, NEAR ALÀ DEI SARDI.

Nuraghe Latteri, near Alà.

It is characteristic of the architecture of the Nuraghi that one can hardly ever visit a number of these in a district without coming upon some exceptional and outstanding feature of construction or arrangement. But the exceptions are not freaks: they are usually dependent upon some peculiarity of position which recommends and makes them necessary from the strategic point of view. This is the case with the Nuraghe of Latteri, which is shown in Pl. XXXIII. Fig. 2.

FIG. 11.—NURAGHE BODDO, NEAR ALÀ DEI SARDI.

The Nuraghe is situated in the locality whose name it bears, in the midst of oak, ilex and cork woodland at a distance of about three-quarters of an hour south-south-west of Alà. To south and south-west of the Nuraghe are gigantic granite boulders often flat above, and here and there on these are other massive boulders which look as if, in the work of fortification, nature were lending her helping hand to man. The strangeness of these stupendous bulwarks gives a wild and fantastic character to the scene, and the sombre shadows of the forest but enhance its grandeur

of effect. One is in the midst of a primeval world of giants whose tombs are also there.

The Nuraghe is situated towards the north end of this fantastic region of gigantic boulders where they appear most tumbled about and, as it were, hurled together. The central part of the Nuraghe is built on to a grand mass of these. The outlook from this point is very limited towards the south, but very extensive on all other sides.

The peculiarities of the Nuraghe will be best understood by consulting the Plan and Sections (Fig. 12). It has the exceptional characteristic that it is surrounded by a massive wall of circumvallation. This stands partly free and is partly worked on to the boulders on the north side in such a way that these become an intrinsic part of the defences. Their stupendous character is apparent in Section BB. The wall of circumvallation has a doorway on the south-east side which is shown in the Plan, and appears also in the picture.

The central cella within is inaccessible, and is almost entirely concealed from view except on the north-west side. It is built of comparatively small granite blocks compared with the huge ones with which the wall of circumvallation is constructed.

The settlement seems to have spread out chiefly on the south side of the Nuraghe, and one function of the wall of circumvallation would have been to enable the inhabitants to withdraw within it in times of need.

At a point some 20 metres south-east of the Nuraghe is a thick mass of bramble and blackthorn bushes with ivy about an ilex and a hawthorn tree. On the north-west and west sides of the latter are two enormous slabs with a smaller slab at the foot of the ilex tree. The two great slabs must have belonged to a Tomba di Gigante or to two dolmens. There is, however, no sign of any frontal semicircle such as would suggest a Tomb of the Giants, and we had never seen a tomb of that kind with such large slabs except at Goronna in the Paulilatino country.[1]

The Dolmens of Doli Fichima near Alà dei Sardi.

The letter of our host of Buddusò to his friend at Alà apparently gave such precise indications as to what dolmens looked like, with their *una lastra grande di sopra*, that the latter seems to have understood at once what was expected of him.

[1] *P.B.S.R.* v. 116, 117, Pl. VII. Fig. 1.

Dolmen of Doli Fichima, I.

Our way to the dolmens was along up-and-down country through oak woods. At the end of half an hour one goes down a slope north-east and comes into a meadow to the right of the river Riu Cossu. At the

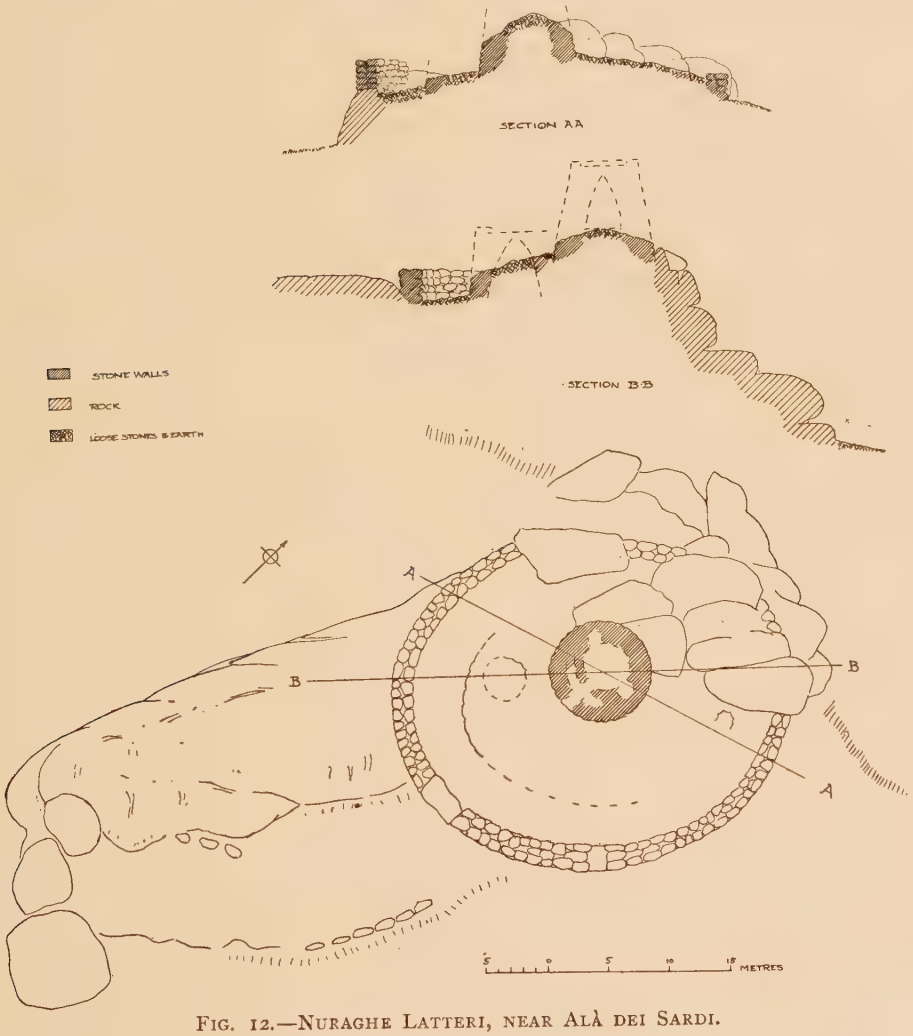


FIG. 12.—NURAGHE LATTERI, NEAR ALÀ DEI SARDI.

beginning of the meadow and about three minutes away from the stream amidst a great patch of thistles lies the tomb shown in the picture of Pl. XXXIV. Fig. 1.

The dolmen is situated on a slight mound falling more rapidly on the east side, less on the west. It is thickly surrounded with an undergrowth

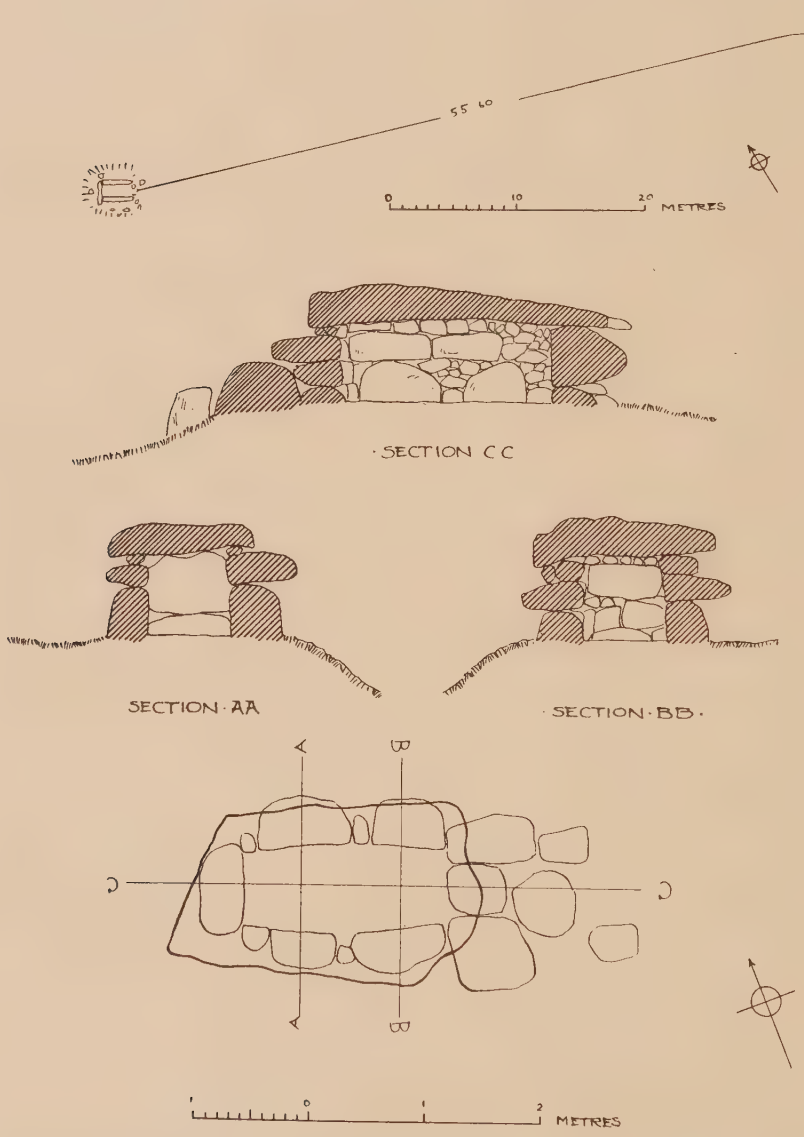


FIG. 13.—DOLMEN OF DOLI FICHIMA (NO. 1), NEAR ALÀ DEI SARDI.

of blackthorn. A cork tree grows at about a metre distant from its front.

A Plan and Sections of the tomb are shown in Fig. 13. As seen from

these the great cover-slab is in position. It is 2·80 metres in length by 1·30 to 1·50 metres in width.

The cella is constructed of rough coursed masonry. First, below, comes a course of tall orthostatic-looking blocks which are only partly visible. Above this comes a course of shallower blocks, and above this again a very narrow course of stones which prop up the cover-slab in a horizontal position where required.

The back end has two blocks, the lower of the two being only partly visible above ground. The front end has some rough blocks which may or may not be in their original position. Some further blocks in front may belong to the entrance or the wall of enclosure, but in either case they are hardly in position.

There is no sign whatever of any wall of enclosure in position. It is very probable that this has largely disappeared, though some traces of it may still remain underground. The orientation of the tomb is east-south-east.

Dolmen of Doli Fichima, 2.

The second dolmen of Doli Fichima is placed somewhat higher up the slope than the one already described. It is partly masked by a rough wall between the meadow of Francesco Muzzo and a vineyard belonging to Giovanna Pugozzi of Alà. It is situated almost where three walls meet at the south corner of the vineyard. Its position in relation to the other tomb is shown in Fig. 13 (above).

The tomb was thickly covered by an overgrowth of bramble, black-thorn, cistus and other scrub. A cork tree and a crab-apple tree are in front.

The monument is shown in Pl. XXXIV. Fig. 2. A Plan and Sections are given in Fig. 14.

The cella of the tomb is very well preserved, and this consists of a back slab and two orthostatic side-slabs. Two slabs in front somewhat out of position may have been the sides of the entrance.

The cover-slab is still on the tomb, but it has apparently been shifted round, so that what seems to have been the front part now points south, that is, to the left side of the tomb. The whole back part of the slab has been broken away and used up in building the adjoining field walls. It has thus been reduced in size by a half or third.

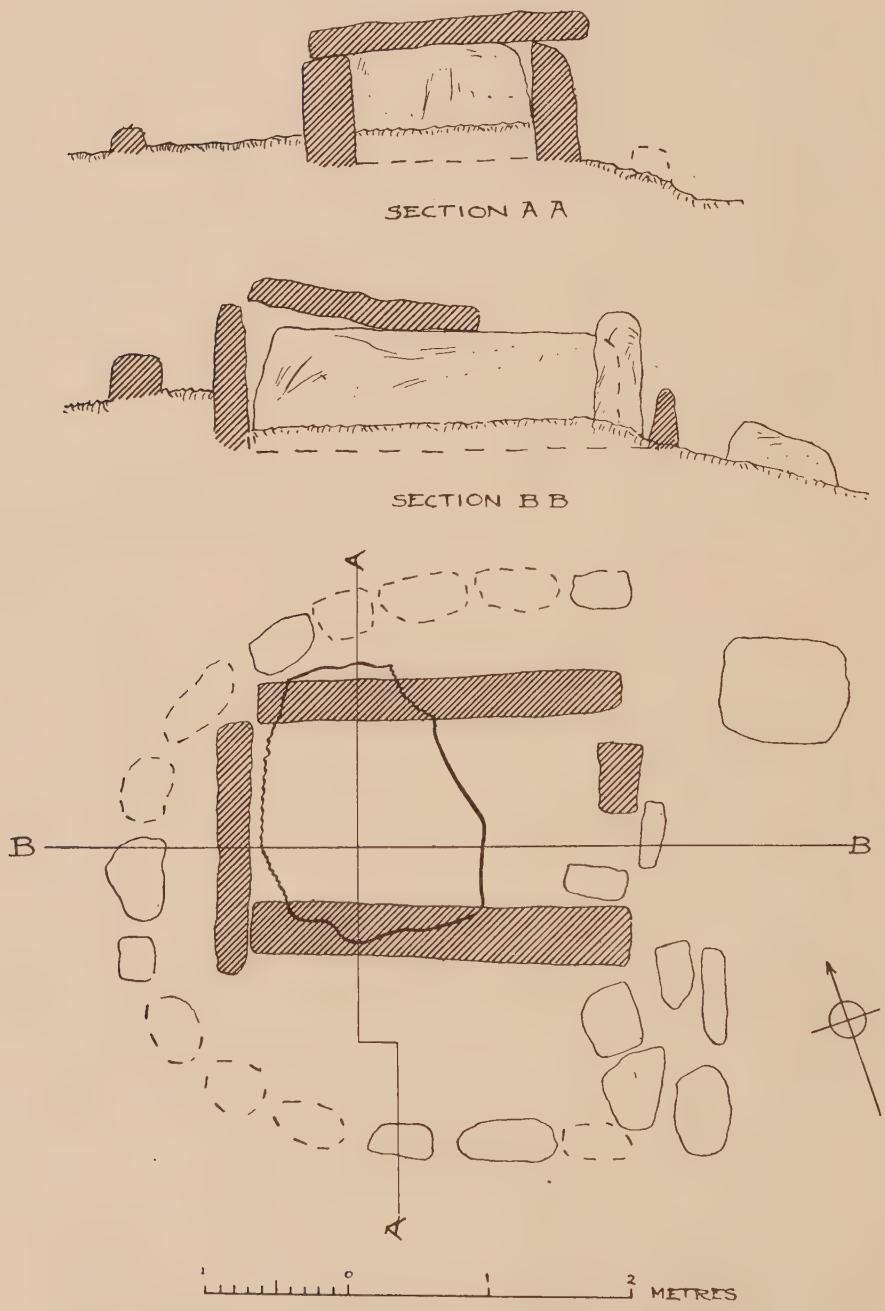


FIG. 14.—DOLMEN OF DOLI FICHIMA (NO. 2), NEAR ALÀ DEI SARDI.

There are clear indications of a wall of enclosure which the proprietor says was in a much better condition some years ago. It is possible that some of the stones from this have been built into the walls close at hand.

The orientation of the tomb is east-south-east.

The Giants' Tomb of Alteri.

As one ascends southwards from the valley of Riu Cossu, where are the dolmens just described, one comes out on a knoll-spur descending east. Here in an environment of arbutus, heath, cork, and other bushes

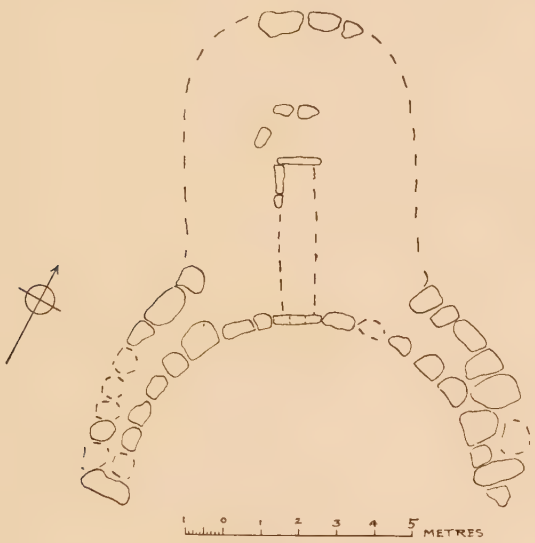


FIG. 15.—GIANTS' TOMB OF ALTERI, NEAR ALÀ DEI SARDI.

and scrub, is the Giants' Tomb shown in Fig. 15. Coming from Alà the tomb is about twenty-five minutes distant thence in a northerly direction.

The monument has been very much pulled about, and last of all by people in search of heather roots for pipes.

The tomb is of small size. It is orientated south-south-east.

Tomb of the Giants de sas Tombas.

Our guide of Alà dei Sardi was evidently not quite so much of the antiquarian as our host of Buddusò. An amusing incident brought out this fact. He apparently reasoned that if one great cover-slab meant one

dolmen, many cover-slabs meant many dolmens. Therefore, keeping what he thought was his trump card in reserve up his sleeve, he brought us last of all to visit the Tomb of the Giants, shown in Fig. 16. Our faces fell momentarily, which he quickly noticed, and was dismayed in turn. "Why," he asked, "are not those many dolmens: as many as there are slabs? Is it not the Tomba de sas Tombas, the tomb of many tombs?" He was consoled when he saw us proceed to measure it with alacrity.

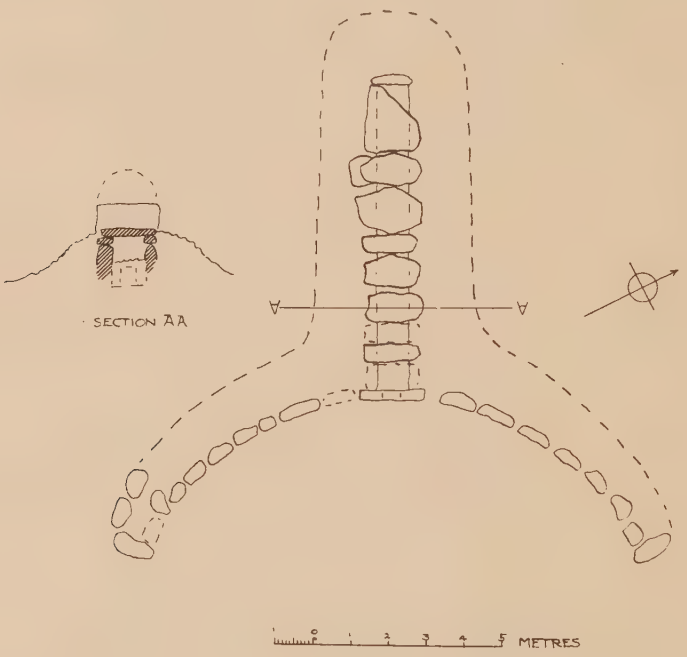


FIG. 16.—TOMBA DE SAS TOMBAS, NEAR ALÀ DEI SARDI.

The tomb lies in the locality of the same name at a distance of one hour east of Alà and some considerable distance to the right of the high road to Monti. It is a little to left of the track called Strada del Frassu. The country around is undulating with granite boulders, and is a veritable bushland prairie of arbutus, broom and other scrub. So thick are the bushes about the tomb that it could not be photographed, and could hardly be measured.

The monument is well preserved. Almost all the cover-slabs are in position, as can be seen from the Plan. The orthostatic slabs of the

frontal semi-circle are a good many of them in position. The portal slab is also there. The tomb is orientated south-east.

The Nuraghe of Santa Barbara near Macomer.

The rare traveller from the outside world of Europe who visits Sardinia and lands at Golfo Aranci from Civita Vecchia or Leghorn may be depended on to take his way direct to Cagliari by rail. He will thus miss much of the strange beauty of Sardinia. He will never learn that all the way to Cagliari he is journeying in the horrid fields of Vulcan that divide Sardinia in two, concealing all her occult beauty behind the grand barrier of distant mountains to east and west. But if our traveller is wise he will alight at Macomer and see the Nuraghe of Santa Barbara first of all. Then he will depart to distant wilds of Gennargentu by Nuoro and Fonni and Gavoi and see Sardinia strange and lovely as she is.

The Nuraghe of Santa Barbara is a striking and prominent feature in the landscape that always is sure to attract the attention of any visitor to Macomer. Its position on a prominent saddle to the west of Macomer and half an hour away to the north-west is such as to command an extensive reach of country on either side. To east and south is the grand volcanic table land of Abbasanta with the vast *massif* of Gennargentu; in the distance, to the west are volcanic plains again with hundreds of Nuraghi as far as Cuglieri and the sea.

It is this great double point of vantage that gives to the Nuraghe of Santa Barbara its exceptional strategic importance in all that land. It stands out in grandeur beyond any other within view and the traveller going south will see nothing like it again until he comes to the great Nuraghe of Losa near Abbasanta.

The slope of the saddle on a terrace of which the Nuraghe stands partakes of the general volcanic character of the whole country-side. The sombre volcanic boulders are quite unlike the silvery granites of Gennargentu and the desolation of the pastoral wilderness is only relieved by thickets of thistle and bramble and thorn. The Nuraghe itself in its sombre hue of stone frowns loftily and sullen on the desolate scene and frowns on Macomer!

It will be seen that the importance of the monument has had justice done to it by the excellent Plans and Sections of it prepared by Mr. F. G. Newton (Fig. 17).

The arrangement of the building and the distribution of its parts will be best understood by reference to the Lower Plan.

What we have here is the system of Nuraghe Voes with a difference. At Voes a central cella is enclosed by a trefoil arrangement of bastions

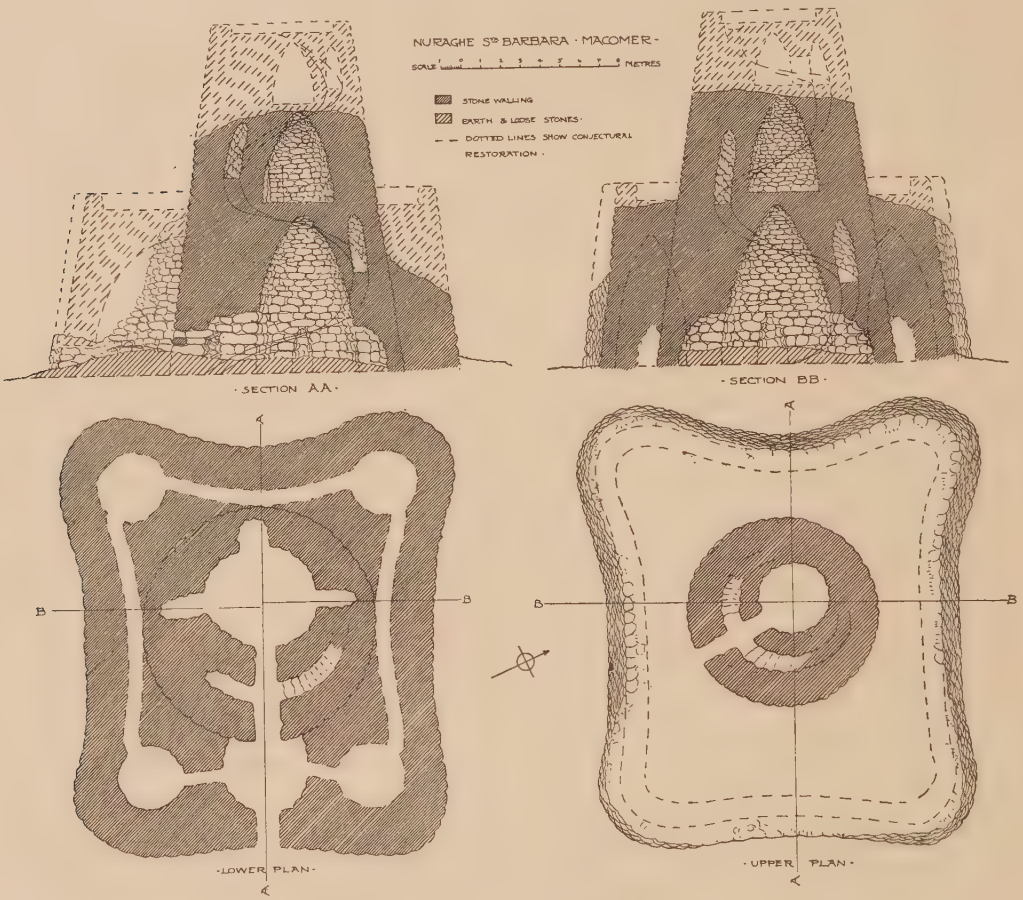


FIG. 17.—NURAGHE OF SANTA BARBARA, NEAR MACOMER.

connected by corridors in the thickness of the walls.[1] At Santa Barbara the system is analogous, but quatrefoil in the distribution of the bastions. The whole has thus an appearance of great symmetry and a carefully thought out plan which surpasses that of Voes in greater massiveness if not in greater power of resistance.

[1] *P.B.S.R.* v. p. 92, Fig. 1.

The court within the entrance is much more solidly enclosed than at Voes. From it there goes a passage way right and left to either front bastion and thence a corridor in the wall once more right and left leads to the bastions behind, which again have a corridor connection between them.

On entering the passage-way to the central cella one notices that the guardian's niche is not on the right hand side as it usually is but on the left, and that the stair in the wall to the upper storeys goes up to the right, not to the left.

The arrangement of the second floor is suggested on the Upper Plan. It is assumed that there were no quatrefoil bastions in this storey but that instead there was a battlemented terrace all round. Sections *AA*, *BB* suggest that there were three storeys altogether finishing with a circular battlemented terrace above the topmost central cella.

The Nuraghe as a whole is distinguished by that carefully considered unity in construction which is so noticeable also in the case of Nuraghe Voes, and it is probable that both belong to the same advanced period in the Megalithic Civilization of Sardinia.

Nuraghe Proaghe, near Ardara.

The Nuraghe of Proaghe near the ruins called Mezzo Mondo, an hour and a half S.W. of Ardara, was visited and planned by Mr. Newton while investigating Pisan churches after I had left Sardinia. See Fig. 18.

The Nuraghe in its fundamental systematic part presents us with a trefoil system of bastions without the connecting corridors. The back bastion, however, is directly connected with the central cella by way of a through-passage, the entrance doorway of which occurs where the back niche of the cella should have been. Otherwise the central cella is normal in its features. The bastions right and left at the front were probably accessible from a court between them at that part. The small bastion, apparently enclosing the front entrance, and the bastion to right behind look like subsequent expansions of the original plan.

The Well at Santa Cristina, near Paulilatino.

We close with a monument of a very curious character to which our attention was first drawn by his Reverence the Rector of Paulilatino, whom we have also to thank for much amiable hospitality in the course of repeated visits to that part of Sardinia.

The first time I visited the well I was so much impressed by the splendid character of its masonry that I found it difficult to believe it

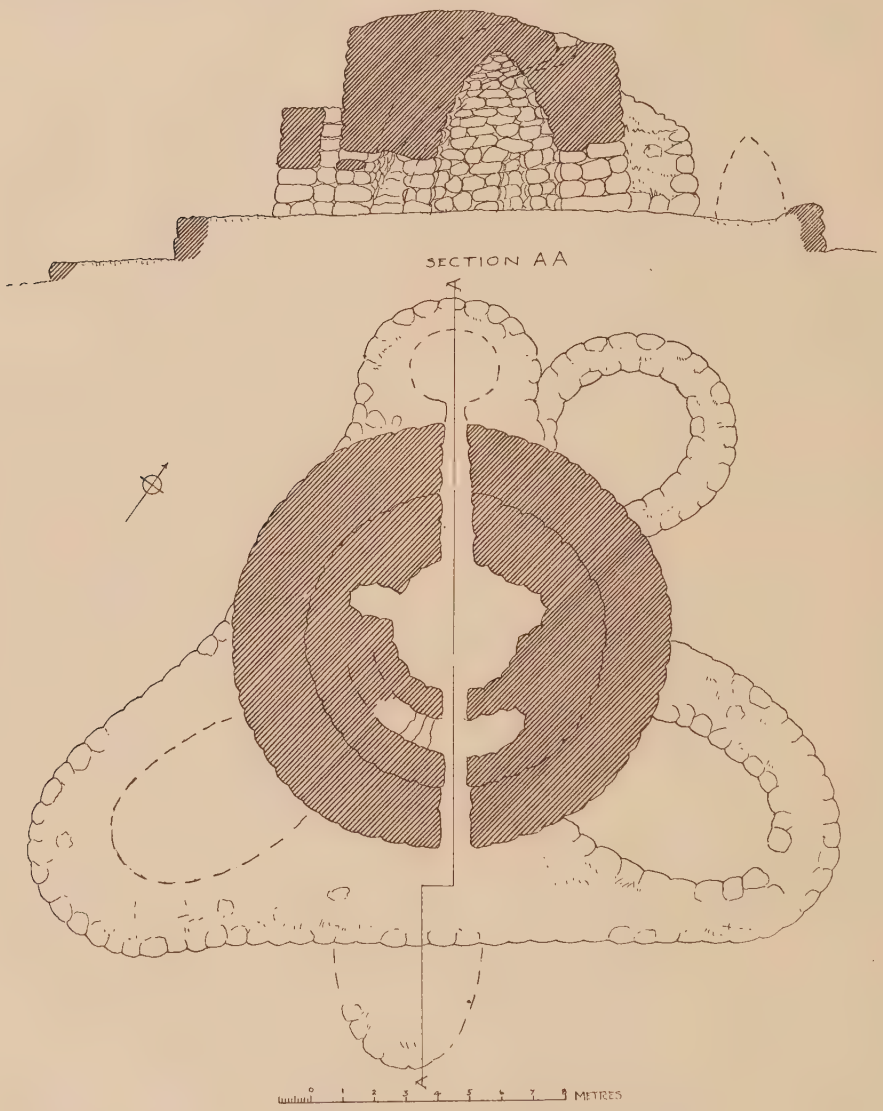


FIG. 18.—NURAGHE PROAGHE, NEAR ARDARA.

could be assigned to the civilization of the Nuraghi. It was only on consideration of some of the later parts of Nuraghe Losa, with its carefully

constructed bastions, that I began to conceive it possible that the well of Santa Cristina might belong to the same period.

Some investigations in the well itself at a time when the water is low

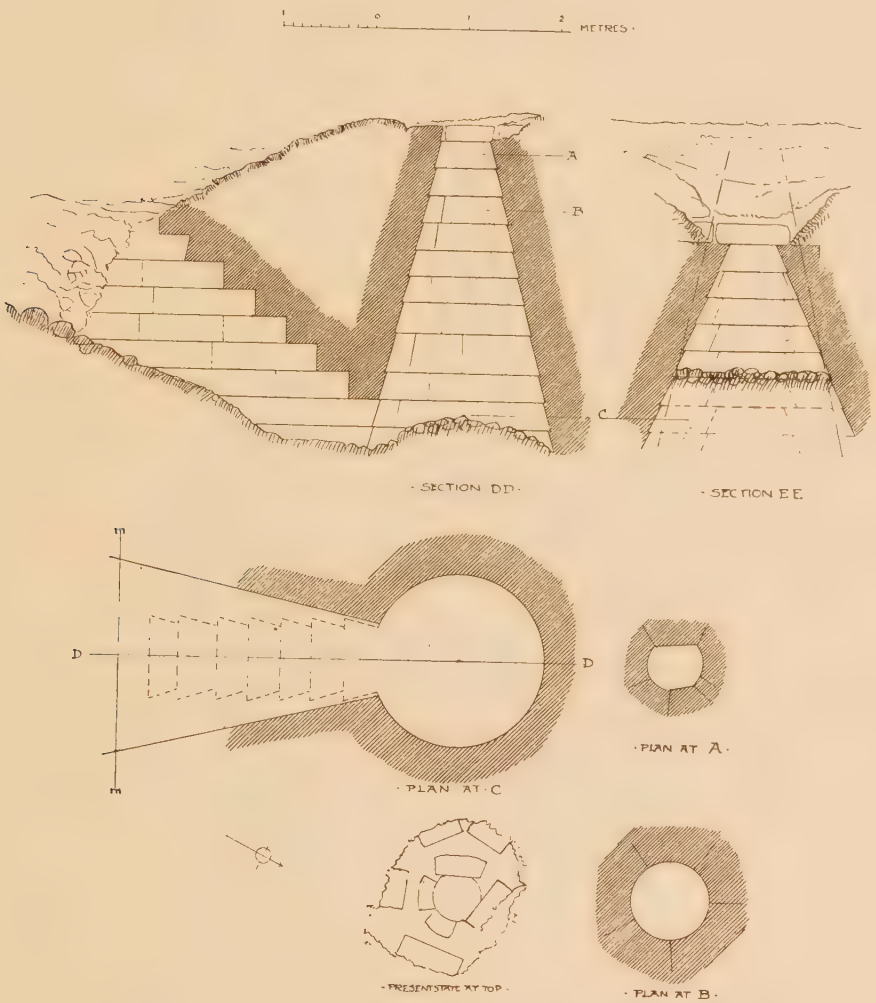
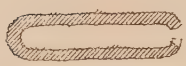


FIG. 19.—WELL AT SANTA CRISTINA, NEAR PAULILATINO.

would best be calculated to decide the question, and such an excavation could be most conveniently carried out by the Sardinian archaeological authorities themselves.

Meantime, we present the careful Plans and Sections of the construction prepared by Mr. Newton. Fig. 19.

Looked at from the mouth, what we have before us is a circular



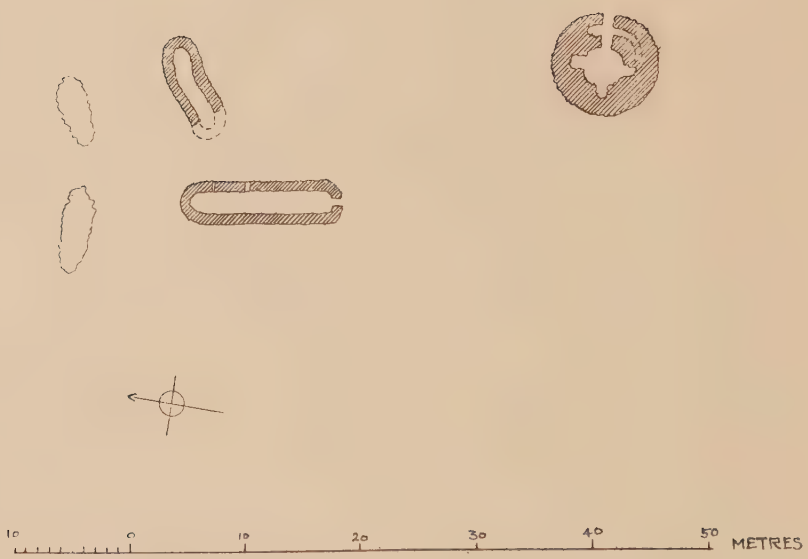


FIG. 20.—NURAGHE AND OTHER STRUCTURES AT S. CRISTINA.

funnel in limestone ashlar masonry widening gradually below in such a way that the walls present a straight face line without any curve, such as we have in the cellas of the Nuraghi. The walls presumably went

down considerably below the lowest water level, but how far we cannot say as the well is now largely filled up with débris.

Water could apparently be drawn in the usual way from the mouth at the top, but it will be noticed from Section DD and the Plan at C that there was separate access to the well by way of a carefully-constructed stair going down on the east side. This could be used when the water was at a low level or when the well had to be cleared.

FIG. 21.—BUILDING NEAR S. CRISTINA.

Note.—The discovery of a similar well, of equally fine construction, which served for sacred uses, according to Taramelli, at Santa Vittoria near Serri (see Taramelli in *Not. Scavi*, 1909, 415 *sqq.*, Pettazzoni in *Bull. Paletn.* xxxv. (1909) 161 *sqq.*) confirms the idea that this well belongs to the period of the Nuraghi. Pettazzoni indeed draws a parallel between the two, and believes them both to be *tholoi*. The well of S. Cristina was mentioned first by Spano (*Bull. Arch. Sardo*, iii. (1857) 65 *sqq.*), who gives a plan and section of it; he believed it to be a prison. Near it is a small simple nuraghe, and remains of three structures of uncertain date, in shape like the navetas of the Balearic islands but with rounded ends. One of them (the westernmost on the plan) is very

well preserved, and measures about 12·50 by 3·75 metres internally, the walls being about 1·50 metre thick; it has a door of the usual nuraghe type at the S. end about 1 metre in width and a window and a loophole on the east (the former is visible in Fig. 21). To the S. of the two others are rough heaps of foundations, in one of which was a coping stone (?) like those seen at Nuraghe Losa and Nuraghe Lugherras (*Mon. Lincei*, xx. (1912) 203). The stones of which these buildings are composed are rather smaller than usual. (See the plan Fig. 20, and the views Figs. 21, 22.) The construction of the *tholoi* of Mazzani near Villacidro, on the other hand, is far less careful than that of these two wells, as I can testify from having visited them in May, 1912.—T. ASHBY.

FIG. 22.—DOOR OF BUILDING SHOWN IN FIG. 21.

General Conclusions about the Dolmens of Sardinia.

It will have been gathered from what has gone before that, notwithstanding the notorious notary of Ozieri, there are still a few dolmens left in Sardinia. Our small harvest has been but a poor gleaning from such as have remained.

The first dolmen I had ever seen in Sardinia was the one near Birori.[1]

[1] See Taramelli in *Bull. Paletn.* xxxiii. (1906), p. 268, and Tav. xxiii.

And that was shown us by Cavaliere Nissardi, who inspired us with the certain faith that there were many more. It was a singular chance that, keeping faithfully in mind this inspiration in later years, we should have come upon a second dolmen at Birori after we had meantime discovered a whole series of others elsewhere in the island.[1]

To these we have now to add the second series of dolmens we have described above.

And if there is one thing more than another we should like as Members of the British School of Archaeology at Rome it were to dedicate our discovery of all these dolmens to Cavaliere Filippo Nissardi, the inspiring pioneer of all our work and the genial doyen of archaeology in Sardinia.

With the discovery of these dolmens, Sardinia may now be taken to enter definitely into the general context of the history of the Dolmenic Civilization in the Mediterranean Area and West Europe.

It is a civilization in which it is possible on Sardinian soil to differentiate earlier and later phases of development.

1. There is no doubt that the two dolmens of Birori represent the earliest phase in the development of these monuments in Sardinia. Their characteristic mark is the cella entirely in orthostatic slabs, whether that is rectangular or circular, and there is one cover-slab above. To those at Birori have now to be added the following dolmens among those described above: that of su Laccu, the Dolmen called Sos Monumentos, the Dolmen of Elcomis, Iselle and Dolmen 2 at Doli Fichima. The culmination of this type is represented by the Dolmen, of su Coveccu.[2] And if the cella is elongated and the cover-slabs repeated, we have the Allée Couverte. A curious example of the genesis of this process is to be found in the Dolmenic Tomb of Perdalunga near Austis.[3] With such a type we are well on the way towards the creation of the Tomba di Gigante.

In the neighbouring island of Corsica we have an interesting example of arrested development in that very earliest phase in which the elongation of the dolmen is not as yet represented. And this Dolmenic Civilization seems to survive there throughout the Bronze Age.

An interesting question is that as to the connection between the

[1] *P.B.S.R.* v. p. 103, Fig. 5; p. 106, Fig. 6; p. 126, Fig. 14; p. 129, Fig. 15; p. 134, Fig. 17.

[2] *Ibid.* p. 106, Fig. 6.

[3] *Ibid.* p. 126, Fig. 14 above.

civilization represented by the dolmenic monuments and the cult of Sacred Pillars. As long as we are not able to establish a direct association between tomb and pillar, we have to content ourselves with suggesting a connection.[1] There is no doubt that an environment of dolmens is apt to be an entourage of sacred pillars over a very wide field. Thus in Corsica there is a whole series of such pillars not far away from the dolmen of Fontanaccia.[2] Carnac in France, with its grand *alignements* of such pillars, is an environment of dolmenic tombs. They recur in a more intimate monumental, if not ritual, association with the cult of the dead in connection with dolmenic tombs as far afield in West Europe as North Britain. In the eastward direction again we have the sacred pillar definitely associated with the cult of the dead in Syria. And a classical example there is the sacred pillar alongside of a great dolmenic cemetery at Mareighat near Madeba in Moab.[3]

To return to Sardinia we find that not too far removed from the environment of dolmens at Birori we have the group of sacred pillars at Tamuli near Macomer. And the female breasts of one of these puts their ritual significance beyond all doubt.[4]

In Sardinia for the moment we cannot get further than the suggestion that there is an association between the cult of sacred pillars and the civilization represented by the dolmenic tombs. The collocation of tomb and pillar, so far as we at present know, is never so intimate as to justify us in affirming positively that in Sardinia such pillars were used ritually in connection with the cult of the dead. We can, however, get as far as the suggestion that the sacred pillar emerged on Sardinian soil for the first time simultaneously with the earliest type of dolmen tomb referred to above.

2. The Allée Couverte type of dolmenic tomb ought to be taken as characteristic of a later phase in development. The example of Perdalunga near Austis referred to already may be regarded as illustrating the genesis of the type through a piecemeal process of development. But time may show us that the Allée Couverte type of elongated dolmenic tomb is represented on Sardinian soil in more organic form. Thus at Perdas Fittas near Gavoi which I visited in 1906 with Cavaliere Nissardi we were shown

[1] For Malta *v. supra*, p. 1.

[2] Montillet, *Nouvelles Archives des Missions Scientifiques*, iii. pp. 51–2, 53, further 54–6, 62–63, Pl. XI. Fig. 1.

[3] See *Palestine Exploration Fund Annual*, i. pp. 36–7.

[4] *Monumenti dei Lincei*, xi. p. 262, Fig. 139; p. 263, Fig. 140, cf. xx. p. 158, Fig 2.

in 1908 a recently excavated tomb which may be of this type.[1] The tomb was found not to be in an artificial mound surrounded by a masking wall of enclosure, but built into a cutting made specially for it in the soft granite rock. The cella was entirely in orthostatic construction and if we imagine the cover-slabs in place we can see that what we have here is an Allée Couverte type of elongated dolmenic tomb. We did not notice any wall of enclosure or any frontal semicircle. The tomb was orientated east and in this respect also it adhered to dolmenic tradition. If we consider this tomb in relation to the group of sacred pillars in the river meadow near by called Perdas Fittas it is difficult to avoid the suggestion of an association between them. This would not actually mean that in this case we had the pillars in relation to a cult of the dead but that probably the cult of such sacred pillars survived in Sardinia into the time to which it is suggested the tomb belongs.

3. The latest phase in the development of the dolmenic tomb may be taken to be represented by the substitution of splayed masonry on the principle of the false arch in place of the earlier purely orthostatic system of construction. Dolmen 2 at Doli Fichima described above would seem to be a simple and probably early example of this type.[2] The Dolmen of S'Enna sa Vacca would then present the type in its most advanced form.[3] In describing this tomb we suggested "that it seems to show the dolmen surviving into a time when there were probably Tombs of the Giants already in existence." It has got all the essential elements of the Tomba di Gigante except the multiplication of cover-slabs and the frontal semicircle, and for all we know a little excavation might serve to show that the rudiments of this were already there. It is further not difficult to conjecture that the evolution of the dolmenic tomb implicating as it did the gradual elongation of the cella, quite apart from any extraneous influence, had brought with it the repetition of the cover-slab alongside of the multiplication of the orthostatic cella-slabs at a period long anterior to the introduction of the adventitious coursed, splayed masonry into the cella of dolmenic tombs.

Did the cult of sacred pillars in Sardinia survive into this later period and was it handed down to an era when the Nuraghe and the Tomba di Gigante were already in the land?

[1] The materials of this tomb, including presumably the cover-slabs, were used up in building a hut alongside.

[2] Pl. XXXIV. Fig. 1; Text, Fig. 12.

[3] *P.B.S.R.* v. p. 129, Fig. 15.

Such questions are apt to be suggested by associations like those that seem conveyed by the Perda Fitta of Gomartile. This sacred pillar is situated in a meadow on the left bank of the Riu Gomartile three-quarters of an hour distant from Ovodda in a north-easterly direction. The meadow slopes gradually down to the path in the direction of the stream. The pillar, which is of granite, has been broken off above. The fragment of a second pillar lies a few yards away to the north-east.

It was interesting to note that in the next field on the north side there was a Tomba di Gigante of simple type in orthostatic slabs which may come early in the series of such monuments. It is thus tempting to collocate tomb and sacred pillars with a corresponding Nuraghe in the same environment.

All this fascinating subject of Sacred Pillars in Sardinia urgently requires a separate investigation on the spot which will have to remain over to another time.

PAPERS OF THE BRITISH SCHOOL AT ROME.
VOL. VI. No. 3

ADVENTUS AUGUSTI:

A DRAWING ATTRIBUTED TO GIOVANNI ANTONIO DA BRESCIA.

BY SIR SIDNEY COLVIN.

THE drawing (reproduced on Plate XXXV.) to which I give this title and attribution was acquired for the British Museum from a private source in 1911, and is of particular interest from its relation to one of the sculptured panels which decorate the attic of the Arch at Constantine at Rome. The series to which this relief belongs has been fully and learnedly discussed by Mr. Stuart Jones (following Petersen and others) in *Papers of the British School at Rome*, vol. iii. pp. 251–268. Mr. Stuart Jones maintains, and may be regarded, I conceive, as having fairly established, the view that these reliefs were originally executed as part of a monument raised in celebration of the German and Sarmatian victories of Marcus Aurelius, A.D. 174, and that eight panels were removed thence by Constantine to decorate his own triumphal arch, where they remain *in situ* to this day, while three others of the same series are also extant in the Palazzo dei Conservatori.

Reproductions of the whole series are given in the plates at the end of volume iii. in illustration of Mr. Stuart Jones's paper, the particular panel which now concerns us figuring as Plate XXIV., No. iii. Its subject, in Mr. Stuart Jones's view, is the entry of the Emperor into Rome after his victories, the buildings in the background standing for the Temple of Fortuna Redux (to the left) and the Arch of Domitian (to the right). Of

this relief, which still keeps its place on the Arch of Constantine, our drawing is a careful copy, finely shaded in pen and bistre, to all appearance by some engraver-draughtsman of the school of Andrea Mantegna working about A.D. 1510–20. (The attribution to Mantegna himself, inscribed on the old mount, is untenable.) The artist has worked with a clear intention of antiquarian accuracy, taking no such liberties either with the detail or the sentiment of his original as we are accustomed to find taken in the rare earlier copies of the antique by Italian draughtsmen. Comparison, however, of his drawing with the photograph of the original to which I have already referred, shows interesting discrepancies. Some of these are due, no doubt, to failure of exact observation on the part of the artist ; others to changes by damage and repair which have happened to the relief itself since his day. The most striking differences occur in the upper part of the composition. The armed warrior on the left, identified by Petersen as Claudius Pompeianus and by Mr. Stuart Jones as the *praefectus praetorio*, M. Bassaeus Rufus, carries a standard, or *signum*, of which a mere truncheon now remains, but which in the drawing is complete, though the artist seems not to have accurately made out its details, as the eagle is missing, and the arrangement of wreath, fillets, tablet, etc., does not correspond to any known type. Similarly in the architectural background, he has mistaken the meaning of what was intended to symbolize a triumphal arch, omitting the wreath which hangs from the capitals of its columns, and treating the arch as though it were the vaulted entrance into a solid building, of which he supplies a flank view in perspective. He has, moreover, changed the proportions of the winged and wreath-bearing Victory above the heads of the figures, making it fill far more than its true space in the composition. In the figures themselves, the warrior on the left supporting the *signum* has a longer beard in the drawing than in the original : the matron next him a little to the back is converted into a man : the younger woman to her right (Fortuna Redux) is shown with much longer and more stiffly curled ringlets of hair than appear in the relief itself : the young warrior farther to the right differs from the relief in that he wears a lofty plumed helmet and with his left hand supports his shield only and no spear ; whence we may conclude that a part of his present helmet has broken away and that his present spear is a restoration of later date than the drawing. Finally, the head of the Emperor himself seems identical with that in the relief, except that it is

not laureated. This, however, might easily have been a detail missed by the artist, and we must conclude either than the present head is that which the draughtsman actually saw, and presumably, therefore, the same which Constantine himself substituted for the original head of Marcus Aurelius; or else, if the present head is a restoration due to Pope Clement XII., that it nearly resembles the true Constantine head as it existed in the artist's day. In the action of the hands both of the Emperor himself and of the armed man on his right there are differences between the drawing and the relief which may point either to imperfect vision in the artist or to the original hands having been broken away when he drew, so that he was left to supply others from invention.

The reasons which have led me to suggest the name of Giovanni Antonio da Brescia as the author of this interesting drawing are: (1) that he was a craftsman of the school of Mantegna actually much occupied in Rome at this date with studies from the antique—see his Venus, 'Romae noviter repertum' (Passavant 42), his Farnese Hercules (Passavant 41, but here the ascription is not quite certain), his Laocoon (Bartsch 15), and several other designs taken from the antique though less literally; (2) that we find in the drawing certain particular tricks of design which are exactly repeated in some of his engraved plates, *e.g.* the rigid corkscrew curls of Victory and Fortune in the drawing which recur almost exactly in the plate of *Justice* (Bartsch 18); and (3) that the actual method of careful minute pen-hatching in the drawing closely resembles that of his engraved hatchings in his plates of the same period—note particularly the Laocoon afore-mentioned. It should be added that in our collotype reproduction the pen-work loses much of its sharpness and the indistinct second line of the inscription in the right-hand corner has disappeared. In the original this inscription can be deciphered as reading *del archo de' trasi* (by which name, as Dr. Ashby was good enough to inform me, the Arch of Constantine is commonly indicated in Renaissance writings).[1]

[1] cf. *Papers*, ii. p. 51. The name is found as early as the 12th century, in documents in the Archives of the Church of S. Maria Nova (S. Francesca Romana), published by Fedele in *Arch. Soc. Rom. Stor. Patr.* xxvi. (1903), p. 45, No. cii. (April 7, 1173), p. 101, No. cxlv. (March 27, 1195), p. 102, No. cxlvi. (Nov. 17, 1195) under the forms *arcus de Traso* and *arcus Traso.*—T. A.

PAPERS OF THE BRITISH SCHOOL AT ROME.
VOL. VI. NO. 4.

SIX DRAWINGS FROM THE COLUMN OF TRAJAN WITH THE DATE 1467:

AND A NOTE ON THE DATE OF GIACOMO RIPANDA

BY MRS. S. ARTHUR STRONG, D.LITT., LL.D.

THE reliefs of the column of Trajan lie before the world in the two sumptuous publications of Fröhner and Cichorius, where they are reproduced with all the accuracy of modern technical process; but, in an age when historical composition is out of favour, they fail to awaken interest outside the immediate circle of antiquaries and historians. In the Early and Middle Renaissance, on the other hand, when the only view of the column was obtained either from the neighbouring houses, or by means of scaffolds or other perilous devices, artists discovered in its sculptures a treasury of form and expression, whence they freely transferred to their own compositions single motives, and even whole scenes. The six dated sheets reproducing reliefs of the Trajan column now published on plates XXXVI., XXXVII., XXXVIII. afford an unexpected proof of the interest awakened by the column as early as the year 1467. They belong to the rich collection of Italian drawings at Chatsworth, and are reproduced by the kind permission of His Grace the Duke of Devonshire. They once formed part of one of those miscellaneous albums of Italian prints and drawings which were commonly brought back from the grand tour in days

before the invention of photography. A few years ago they were cleaned and mounted at the British Museum by the care of Sir Sidney Colvin at the same time as the more precious of the Chatsworth drawings. Though not the earliest drawings after the antique, since priority must be accorded in this respect to the drawings of the school of Pisanello published in vol. iii. of these *Papers* by Mr. G. F. Hill (p. 295 *seq.*, Plates XXXI., XXXII.), they are the earliest dated drawings of the kind, and certainly the earliest which reproduce reliefs of the column. They are executed in the usual pen and bistre, and average in size 16 in. by $9\frac{3}{4}$ in. = 40 × 22·5 cm. The subjects are as follows :—

1. Plate XXXVI., Fig. 1. Roman soldiers guarding a fortified station on the Danube.

   The long scene is cut into two, the narrower strip, with its tapering end, being placed above the broader. The same device occurs in Bartoli's engravings. Otherwise the draughtsman shows no appreciation of the spiral form of the band of relief. The palisade that surrounds the first hut has been omitted, doubtless because of its diminutive size. The square window above the door is likewise omitted, and replaced by a round window in the gable, which does not appear in the original. The absence of any indication of the river is curious, since, as appears from Plate XXXVI., Fig. 2, the artist quite well understood how to render water by means of wave lines. The faces of the three sentinels, which in the original are so rubbed down as to be wholly unrecognizable, are freely imagined in the manner of the time.

   Cichorius scene I., 2–6 = Reinach, *Reliefs*, i., p. 332. 5, 6.

2. Plate XXXVI., Fig. 2. Part of a Roman legion issues from a city gate, and crosses the Danube by a bridge of boats. To the left, below the city, the river god sits within a hollow of the rocks.

   The scene is cut off as in Bartoli, at the first (counting from the left) standard-bearer. Considering our artist's attempt at fidelity in matters of detail, it is surprising to find him omitting the hand within the wreath which crowns the standard, and which is still so clear in the original (Cichorius 14). The bundles carried by the soldiers, the devices on their shields and the several parts of the pontoon bridge, are rendered with care ; the faces, however, are here again freely drawn with little reference to the originals, the draughtsman not having taken the trouble to observe which faces are bearded, and which beardless. The figure of the river-god, on the other hand, is rendered with con-

siderable fidelity, though the thumb of the right hand, visible in the original under the second boat, is omitted.[1]

Cichorius scenes III., IV., 11–14 = Reinach, *op. cit.* p. 333. 8.

3. Plate XXXVII., Fig. 1. Trajan watches the soldiers fortifying a camp. To the right, portion of a second camp guarded by legionaries, of whom only two are visible in the drawing. The hand of the legionary on the right is omitted, and so are the javelin and raised right hand of the man seen from the back behind the camp.

Cichorius scenes XII., XIII., 32–35 = Reinach, *op. cit.* p. 335. 14.

4. Plate XXXVII., Fig. 2. Legionaries felling trees and building a camp in the presence of Trajan. Above, in the distance, a man walking beside a mule with a pack saddle.

The drawing has faded and is much stained.

Cichorius scenes XV., XVI., 38–40 = Reinach, *op. cit.* p. 335. 15, 17.

5. Plate XXXVIII., Fig. 1. Continuation of the scene of camp-building. Soldiers driving the piles of a palisade round two haystacks.

The drawing is particularly fresh and accurate. Notice the detail of the military dress, the carefully rendered haystacks, and the palisade.

Cichorius scenes XVI., XVII., 41, 42 = Reinach, *op. cit.* p. 335, 16: p. 337. 17.

6. Plate XXXVIII., Fig. 2. Captives brought before Trajan: above, army-waggons on the march. To the right, the first groups from the large battle-scene continued in Cichorius 107.

Cichorius scene XL., 104, 105, 106 = Reinach, *op. cit.* p. 341, 34.

A cartellino now pasted at the top of drawing No. 3 bears in a good clear hand of the period the date 1467 11 *novembre*. As there is a trace of a cartellino on drawing 6 also, it seems reasonable to infer that each drawing was similarly inscribed on the day on which it was executed. Originally the date would be written in the margin. It is more than likely that the edges became rubbed and the dates of certain of the sheets consequently lost. Later, whoever cut and trimmed the drawings before pasting them into the album would, in order to save any date that survived, attach it to the drawings as in Nos. 3 and 6.

In spite of the few omissions and variations noted in the description of the drawings, and of the artist's inability to grasp the character of the

[1] The same omission is noticeable in Bartoli's print, where, however, it follows from the error of placing the river-god much too far to the left, within the cave, so that his right arm could not possibly reach out to the boats. Bartoli's prints are generally thought to be based on Muziano's drawings.

heads, due in great measure to the fact that the reliefs could only be seen from a considerable distance, he is evidently animated by a desire for archaeological accuracy. In this respect his rendering differs markedly from those leaves in either the *Codex Escurialensis*[1] or the Wolfegg *Codex*,[2] for instance, which reproduce scenes from the column chosen evidently for their artistic merit, without reference to the composition as a whole. Our draughtsman, on the other hand, has not limited himself to episodes that offered special points of interest, but seems to have set himself to wade conscientiously through dull and animated alike. He renders with equal care the quiet river-scene in (1), and the dashing battle-exploit in (6). The impression, confirmed by the separate dating of each sheet, is that he had planned a complete series of drawings from the reliefs of the column. An attempt of this magnitude, at so early a date, might seem out of the question. Giulio Romano, who certainly studied the reliefs for his Battle of Constantine, is still credited with the first attempt to draw the whole length of the spiral, an enterprise afterwards brought to a successful issue by Girolamo Muziano (1528–1592), whose drawings, engraved by Villamena, were published in 1576, with an archaeological commentary by the learned Spaniard Alfonso Chacon.[3] But seeing how deeply imbued with the spirit of the antique was the later Quattrocento, it seems incredible that no attempt should have been made, previous to Muziano's, to draw the reliefs as a whole. As a fact we know from a trustworthy source[4] that Giacomo Ripanda, a Bolognese artist whose date seems to coincide roughly with that of Antoniazzo Romano, had, somewhere in the second half of the fifteenth century, copied, with the help of a scaffold which he climbed at the great peril of his life, all the reliefs of the column; and I believe that we have in the Chatsworth drawings a fragment of another enterprise of the same nature. Possibly it was never carried out to the end, since the six extant drawings reproduce scenes from the lower reliefs only. At the

[1] See Hermann Egger, *Codex Escurialensis*: ff. 60 v, 61, 61 v, 62 v, 63, 63 v, 64 v; a sketch of the whole column in f. 53 v. This sketch-book has been shewn by Egger to be by a scholar of Domenico Ghirlandajo.

[2] Now generally attributed to Amico Aspertini (*ab.* 1475–1572), see C. von Fabriczy i *L'Arte*, viii. (1905), 401 *sqq.*; P. G. Hübner, *Le Statue di Roma, Grundlagen für eine Geschichte der Antiken Monumenten in der Renaissance*, p. 49; the sketch-book is described and analysed by C. Robert, *Röm. Mitth.* xvi. 1901, pp. 209–243. The drawings from the Trajan column occur on ff. 9, 9 v, 18 v, 19, 22 v, 37 v, 38, 38 v.

[3] Baglioni, *Vite d. Pittori*, p. 51. The uncritical statements go back to Chacon's Preface, and have been repeated as lately as by Fröhner, in his Preface to *La Colonne Trajane*.

[4] For this and other sources relative to Ripanda see Appendix.

same time, I am not without hope that other leaves of the same series may turn up; and that this short article may be the means of obtaining information of their existence.

The early date becomes illuminating when we reflect that the year 1467 takes us full into the pontificate of Paul II., whose archaeological sympathies are one of his greatest titles to fame. Paul has been severely handled for the artistic poverty of his reign, for his failure to discover or encourage original talent, or even to grasp the part which the antique might play in the formation of a new style.[1] All the more does he shine as the patron of antiquaries and archaeologists; as the indefatigable collector, the catalogue of whose private museum still moves to astonishment and envy; as the man whose dream was to build his palace of San Marco according to the laws of perspective laid down by Vitruvius.[2] He assiduously restored ancient monuments, and began that ingathering of works of ancient art which was to turn Rome into the most magnificent museum of antiques in the world. His eye was so well trained that he could, say his biographers, identify a medal at a glance.[3] What more natural than that the artists of his reign should attempt a complete record of the reliefs of the great column which, then as now, must have passed for the most glorious monument of ancient Rome? Probably many series of drawings after the column were circulated in Rome and in Italy, partly for the instruction of artists, partly for the edification of the learned. Nor were the two purposes kept very distinct, at a time when extensive historic compositions after antique models were in vogue, presupposing intimate acquaintance not only with detached episodes and figures, but with the whole system of antique composition, of which the column afforded the most brilliant and accessible example. Drawings like those now published would be the necessary preliminaries to those scenes from ancient history painted by Ripanda—the same who had drawn the column—in the Hall of the Palace of the Conservatori,[4] or to the great cycle in one hall of the palace of the famous Cardinal of Santa Sabina, Fanzio Santori; where, below twenty-four grisailles illustrating the Life and Deeds of Julius Caesar, was represented the Dacian War of Trajan.[5]

[1] Müntz, *Les Arts à la Cour des Papes*, ii. p. 30; cf. Onni Okkonen, *Melozzo da Forli u. seine Schule* (1910), p. 20.

[2] Müntz, *ib.* p. 7. [3] Müntz, *ib.* p. 134. [4] See Appendix.

[5] E. Steinmann, *Die Sixtinische Kapelle*, p. 103, where the paintings are attributed to the years 1508-9.

There is no difficulty, then, either in accepting 1467 as the date of the drawings, or in believing that they represent a project for reproducing the whole of the reliefs. The question of authorship is not so easy. The hand seems either Florentine, or closely influenced by Florentine models. Professor Huelsen, who saw the drawings at Chatsworth, thought they might be by some scholar of Pollaiuolo; and indeed the treatment of the nude, the somewhat contorted outlines of legs and feet and hands, strike one at first as weak imitations of the sinewy forms in the 'Battle of the Nudes,' while the heads push the Pollaiuolesque type almost to the verge of caricature.[1] Mr. Berenson, who has seen photographs of the drawings, felt reminded not so much of the School of Pollaiuolo as of some scholar or imitator of Alessio Baldovinetti. This suggestion does not necessarily exclude the former, since Baldovinetti influenced Pollaiuolo and his circle. At one time I thought that the shape of the heads, the broad hands, and the spread-out fingers, revealed the manner of the sculptors of the ciborium of Sixtus IV. (1471–1484), (now in the crypt of St. Peter's), whose indebtedness to the Trajan column has been indicated by Burger[2]; but any resemblances that might warrant attribution vanished on a closer comparison of drawings and reliefs. The possibility that they might be the work of the Bolognese Giacomo

[1] Numerous drawings after the antique must have circulated in the School of Pollaiuolo. Antonio himself was indebted to the antique for more than one suggestion of design; his 'Hercules slaying the Hydra' (Uffizi, Florence), for instance, follows a composition familiar on gems and mural terracottas; the beautiful drawing in the Brit. Mus. of a 'Prisoner brought before the Judge' (M. Cruttwell, *Pollaiuolo*, Pl. XXIV.; B. Berenson, *Drawings of Florentine Painters*, i. p. 28 f. and Pl. XVIII. (R. half only) is certainly dependent upon the frequently recurring composition on the column of Trajan of barbarian prisoners brought before Trajan (*e.g.* Reinach, *Reliefs*, i. 17, 34). The subject is one that does not seem to have received the attention it deserves; see, however, the remarks of A. Warburg, 'Dürer u. die Italienische Antike,' in *Verhandlungen der* 48 *Versamml. deutscher Philologen zu Hamburg*. (*Okt.* 1905.)

[2] Fritz Burger, *das Konfessionstabernakel Sixtus IV, u. sein Meister*, in *Jahrbuch der Königl. Preussischen Kunstsammlungen*, xxviii. (1907), pp. 95 ff., 150 ff. A. Venturi, however, *Storia dell' arte Italiana*, v. pp. 1120–28, and Paolo Giordani 'Studi sulla Scultura Romana del Quattrocento' in *L'Arte*, 1907, pp. 263 ff., have shown that the sculptors of the ciborium imitated the Antonine reliefs on the Arch of Constantine in Santa Martina (now in Palazzo di Conservatori, Helbig, 1891, *Papers* iii. Plate XXIII. f), even more closely than the column. To Giordani's excellent observations on the composition of the relief with the 'Crucifixion of Peter,' I would add that not only is the group to the r. of the cross taken, as he points out, straight from the 'Marcus Aurelius receiving conquered barbarians' on one of the Conservatori reliefs, but that the Imperial group has also been utilized, with sides reversed, for the two horsemen (wearing turbans or caps) with a soldier at their side, on the l. of the cross. For the names of the sculptors of the ciborium see especially Giordani's article, p. 272. For the date of its completion, presumably the year of Jubilee 1470, see H. v. Tschudi 'das Konfessionstabernakel Sixtus IV. in S. Peter zu Rom' in *Jahrbuch der Königl. Preussischen Kunstsamml.* viii. (1887), p. 12.

Ripanda, already referred to for his drawing of the column, and his compositions in the antique style, also occurred to me, but had to be dismissed. The drawings have not the precision we should expect in the rendering of the heads had they, like Ripanda's, been made from a scaffold; moreover the Chatsworth drawings are frankly under Florentine influence, while we should expect the Bolognese Ripanda to betray some trace at least of the manner of the great Ferrarese—Cosimo Tura, Francesco Cossa or Lorenzo Costa—who helped form the early Bolognese school. For the present it must suffice to have pointed out the sphere of influences and interests within which our artist presumably moved; the discovery of his name, and of drawings or pictures by his hand, can only come with increasing knowledge of the Roman Quattrocento. The uncertainty as to their authorship does not lessen the value of the drawings as documents; while the fact that they are dated affords a fresh land-mark of capital importance for the history of the antique in the Renaissance.

APPENDIX.

A NOTE ON THE DATE OF GIACOMO RIPANDA.

In order to satisfy myself that a project for drawing the reliefs of the Trajan column in their entirety was possible as early as 1467, I have taken some trouble to ascertain the probable date of Giacomo Ripanda, the Bolognese who, long before Muziano, brought, it is said, such a project to a successful issue. A short summary of what is known of Ripanda's date and of his works may therefore not be out of place here.—The statement that Ripanda drew all the reliefs of the column in their sequence (*ordine*) rests primarily on the testimony of Raphael Maffei of Volterra: *Floret etiam nunc Romae Jacobus Bononiensis, qui Traiani Columnae picturas omnes ordine delineavit, magna omnium admiratione, magnoque periculo circum machinis scandendo.* Raph. Volat. *Anthrop.* Lib. 21.

The following is the account of Ripanda given by Malvasia (*Felsina Pittrice*, Bologna, 1674, i. 34):—

Giacomo Ripanda, de' quali nè pur dal Baldi[1] vedo fatta menzione, e a pena tocchi dal Masini,[2] quando di quest' ultimo fu tenuto a que' tempi così gran conto in Roma, allora che dipinse la cappella

[1] Bernardino Baldi was a painter and died in Bologna in 1650. His notes on antiquarian subjects seem to be still in MS.; see Thieme-Becker, ii. p. 392.

[2] Antonio di Paolo Masini: the first edition of his *Bologna Perlustrata* appeared in 1650. On p. 740 he places Ripranda [*sic*] under the date 1510 among the artists not otherwise mentioned in his work, and refers to f. 188 of Achillini's *Viridario*, a poem published at Bologna in 1513, in which the literary men of that and other cities are mentioned.

in SS. Apostoli al Cardinal Bessarione, altre in *S. Omobono*, nella Madonna del Popolo, e nel pallagio stesso de' signori Conservatori in Campidoglio il trionfo d'un Re di Persia, forse di Ciro, e la intrepidezza di Bruto in veder tagliar la testa a' figliuoli, restate solo in piedi di tante che vi fece ; e che fu il primo ad arrischiarsi con tanta fatica, e pericolo a disegnare la Colonna Traiana, se crediamo al Volaterrano che nel libro 21 dell' Antropologia così lasciò scritto [there follows the passage from Raphael Maffei already quoted].

The statement that Ripanda frescoed the Chapel of S. Eugenia in the Church of the SS. Apostoli for Cardinal Bessarion is also found in the *Viaggio Pittoresco attraverso la Città di Roma* of Guido Mancini, physician of Urban VIII. (1623–1644). The *Viaggio*, which probably contains much curious information, is mentioned by Corvisieri, *Buonarotti*, iv. (1869), p. 134, who gives it as in the Biblioteca Chigiana (Cod. G. iii. 66), and is still unpublished. That the Chapel of S. Eugenia, however, was frescoed, not by Ripanda, but by Antoniazzo Romano, has been shown by Corvisieri (*loc. cit.*), and by Müntz, who reproduces the full text of the contract between Bessarion and Antoniazzo (*Les Arts à la Cour des Papes*, ii. p. 82 ; cf. *ib.* p. 30) ; while Dr. Steinmann (see 'die Stiftungen der Satri in S. Omobono in Rom' in *Zeitschrift für Bildende Kunst*. N. F. xii. 1901, pp. 239 ff.) has shown that the fresco in S. Omobono is more likely the work of one Pietro Torini. I find no other mention of the pictures or frescoes in S. Maria del Popolo. Ripanda's authorship of the paintings in the Palazzo dei Conservatori is confirmed by the evidence of Bernardo Bembo, who was present with seven Venetian colleagues at the Coronation of Julius II. in 1503 (Müntz, *Les Antiquités de la Ville de Rome*, p. 34 : *Post prandium vero Capitolinum collem adivimus, innibique quae digna notatu viderimus haec sunt : domus conservatorum picturis Jacobi Rimpatae* (sic), *opere absolutissimis refferta . . .*). The frescoes are also referred to in a MS. treatise on the pictures of Rome (*Codd. Vat. Cappon.* 231, fol. 56) by the same Guido Mancini of the *Viaggio Pittoresco*.[1] The passage, though often referred to (*e.g.* Egger, *Codex Escurial*, i. p. 17), has, so far as I know, never been published, and is worth quoting in full :

[Vasari] Lascia anco di far mentione e scriver la vita di Jacomo Bolognese per cognome Ripanda, per i suoi tempi molto reputato, come si vede per la testimonianza di Raffaello Volterrano. Questo nato in Bologna se ne venne à Roma per far progresso nella professione in quei tempi, che era cominciata à risvegliarsi, anzi à pigliar grandissimi progressi et augumento sotto Pio 2., Paolo 2., Sisto 4., Innocenzo 8, et Alessandro 6, dove hebbe commodità di veder le cose di Giotto, si come Cavallini e quel che più importa di Masaccio e suoi coetanei, come Andrea Montagna, Melozzo da Forli, et altri, che fiorirono in quei tempi, et in particolare di studiar le cose dell' Antichità de quali fù studiosissimo, che non lasciò statua, nè basso rilievo che egli non lo studiasse e copiasse che per tale effetto disse il Volterrano suo coetaneo, che visse e scrisse nel 506, che Jacomo con ingegni et instrumenti da calarsi à basso in quà et in là studiò e disegnò la Colonna Traiana : le parole del Volterrano a lib. 21 sono queste. [There follows the passage about the drawings of the column.] Et con questo acquistò gran fama nella professione, per la quale gli fù dato à dipingere dal Popolo Romano le stanze del Campidoglio, delle quali si vede qualche reliquia e fragmenta, et è un peccato, che siano state buttate à terra non solo per la bontà del la pittura, e gloria di quel maestro, quanto, che in esse vi dovevano essere di moltissime anticaglie, che in quel secolo erano in essere da lui copiate, e riportate in questa sua opera, che in vero corrispondevano assai al luogo, et all' Historia, che lui andava esprimendo col pennello. Quando

[1] Since I wrote the above Miss K. K. Radford, of our School, has made a copy of the first few pages of the Vatican MS., and Miss E. Jamison, a student of the School, has compared this copy with the Chigi codex, and has ascertained that the two MSS. are undoubtedly copies, with slight variants, of the same original.

e dove morisse, e fosse sotterrato non ne ho trovato mentione, solo bisogna dire, che sia stato disgratiatissimo, che se le sue fatighe in luogo così eminente gli dovevan dare perpetua gloria, habbino havuto tanta poca durata, e li studiosi d'essere stati privi di tante memorie d'antichità che si dovean vedere nelle sue opere, come appare da quelle poche che restano disgratiatamente in Campidoglio.

The frescoes, but without the name of the artist, are also referred to in *Cod. Barb.* xxx. 89 (now *Barb. Lat.* 2016) p. 504, published by Lanciani *il Codice Barberiniano*, xxx. 89, in *Archiv. Soc. Rom. Stor. Patr.* vi. (1883), p. 235.

Hitherto the main evidence for the date of Ripanda has been the *floret etiam nunc* of Raphael Maffei, whose book was first published in 1506, and the fact that the frescoes in the Palazzo dei Conservatori must have been finished by 1503, when Bembo describes them. Further, when Mancini, in the passage just quoted, states that it was of more advantage to Ripanda to study the works of Masaccio and his contemporaries Mantegna and Melozzo and others than even the older works of Giotto and Cavallini, he seems to give the note of his epoch and to place him among the Quattrocentists. But he may have lived into the next century, and been at work till 1510 or later. The date 1450 or 1455–1510 thus obtained for his activity coincides roughly with the period, now well established, of that of Antoniazzo Romano (1460–1580 : see Berenson's *Central Italian Painters*, p. 133 for a list of his works, and the article by A. Gottschewski in Thieme-Becker's *Lexikon*). Indeed, it follows from the uncertainty as to which of the two men was the author of the frescoes in the Chapel of the SS. Apostoli that they were contemporaries. Müntz (*Les Arts à la Cour des Papes* ii. p. 181) is therefore probably right in thinking that Ripanda is identical with the *magister Jacobus pictor* mentioned in a payment of the year 1493 for various works in the Vatican (*Arch. Segr. Vat. Introitus et Exitus*, vol. 526, p. 139 *d*).[1] The date of Ripanda's birth is given by Rodocanachi, *Le Capitole Romain*, p. 96, as 1480, on the authority of Siret, *Dictionnaire des Peintres* p. 204 ; but this (as Dr. Ashby points out to me) probably rests on a misunderstanding of Zani, who knows nothing of the date of Ripanda's birth, but gives 1480 as the date at which he was alive ('Viveya'). Zani, who mentions that Ripanda was also a draughtsman and a sculptor in wood, makes him active up to 1510. Guido Mancini in his *Viaggio Pittoresco* (Corvisieri, *loc. cit.*) refers to certain pictures in S. Giovanni Laterano[2] as being 'del tempo del Ripanda.' Corvisieri aptly remarks that the expression shows that Ripanda's name was sufficiently famous to be taken as representative of a period ; and this could scarcely have been possible after the appearance on the scene of the great Florentines and Umbrians. Malvasia, likewise, or Malvasia's source, speaks of the high esteem in which Ripanda had once been held, and Mancini laments that the works of one so deserving of glory should have been so shamefully neglected.

Probably few forgotten artists so well deserve rescue from oblivion as Ripanda. If no mention of him is ever made in our histories of art, the fault is Vasari's, who, as Mancini observed, passes Ripanda over in silence. Yet he was a typical man of the middle Renaissance, at once keen student and painter of merit. He penetrated into the 'grottoes' of the Baths of Titus (*Domus Aurea* of Nero) presumably long before

[1] On the other hand it is impossible to accept all the references to a 'maestro Jacopo' brought by Bertolotti under the name of Ripanda as applying to the same artist. See Bertolotti, '*Artisti Bolognesi Ferraresi ed alcuni altri del già Stato Pontificio in Roma*' in *Documenti & Studii pubblicati per cura della R. deputazione di Storia Patria per la Prov. di Roma*, vol. i. 1886.

[2] I surmise these Lateran frescoes to be those on the tabernacle above the high altar of the basilica, which, after being attributed to Fiorenzo di Lorenzo, are now given to Antoniazzo ; so that in this case again there probably was confusion between the two men.

Raphael, and sketched there, as we learn from the following passage from the same MS. treatise of Mancini,[1] quoted above :

Amulio dunque pittor Romano d'assai honesto parentado, e grado, perche non vestiva da plebeo, e teneva il decoro e grado sopra il puro artefice, come dice Plinio a lib. 35 nel fine, visse sotto Nerone, e per esso dipinse la sua casa, come si raccoglie nel medesimo luogo, quando dice la prigionia della sua arte fu la Casa Aurea ; Non perche di questa casa se ne veggono fragmenti et in esse pitture di detto Artefice, le quali quando furno ritrovate, furno studiate da Jacomo Ripanda Bolognese molto studioso dell' Antichità, come dice il Volaterrano a lib. 21 Antropologie, le considerò ancora Raffaelo, Michelangelo, et ultimamente il Zuccari.[1]

Besides the scenes from ancient history in the Palazzo dei Conservatori, he painted a Venus, celebrated in an epigram of the time as arousing by her beauty the jealousy of Juno and Minerva (see the literature quoted by Corvisieri, *loc. cit.* p. 135, n. 3). Ripanda is represented as so saturated with the antique that Steinmann almost hesitates as to whether to attribute to him or to Peruzzi the vanished decoration in the Palace of Cardinal Santori, with the Dacian exploits of Trajan referred to above (p. 178).

To return to the drawing of the Trajanic reliefs. It is nowhere exactly stated at what period of his career Ripanda undertook the gigantic task ; but from his use of perilous scaffolding he must have been a young and active man at the time. Mancini, in the passage first quoted, states, as a fact, that Ripanda's drawings of the column obtained for him the commission to paint the Hall in the Conservatori—and doubtless the other paintings were likewise inspired by the art which he had had such unrivalled opportunities of studying. If he lived to the furthest limits as yet suggested for his life, he might possibly well have drawn the column thirty or forty years before, about the same time as, or even earlier than, the draughtsman of the Chatsworth leaves which represent on a humbler scale a similar undertaking to Ripanda's,[2]—one that, as we now know, was entirely in harmony with the ideas of the Fifteenth Century.

My cordial thanks are due to Mr. J. M. Rigg, who has kindly copied for me the passages relative to Ripanda from *Codd. Vat. Cappon.* 231, and verified for me in the Vatican archives various other difficult points. I trust that I, or another student of our school, may be able, at no distant date, to publish Mancini's interesting treatise as a whole.[3]

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[1] Likewise referred to by Egger, *Codex Escurialensis* i. p. 17.

[2] I ought to mention that in the collection of the Archduke Ferdinand in Vienna, there exists a drawing of immense length with the reliefs of the Trajan column. It is often attributed to Giulio Romano, but I am advised by competent authority that it is almost certainly later. Steinmann, however (*loc. cit.*), makes the passing suggestion that it might be the work of Ripanda.

[3] A further reference to Ripanda has been discovered by Miss Radford in this treatise ; it is as follows : 'Pigliando poi per Borgo Vecchio incontro al Cantarelli,' v' è una facciatina a colore forse del Ripanda nel principio del suo operare.'

PAPERS OF THE BRITISH SCHOOL AT ROME.
VOL. VI. NO. 5.

ADDENDA AND CORRIGENDA
TO
SIXTEENTH CENTURY DRAWINGS OF ROMAN BUILDINGS ATTRIBUTED TO ANDREAS CONER
(PAPERS OF THE BRITISH SCHOOL AT ROME, VOL. II.).

BY THOMAS ASHBY, D.LITT., F.S.A.

IN 1904 I published, with a commentary as complete as I could make it, the important series of drawings above mentioned. Since then, through the kindness of friends and in the course of my own researches, I have ascertained a number of new facts. In setting them forth, it will be most convenient to follow the order of my original text, and refer to it throughout. I desire to express my thanks to the Hon. John Fortescue, His Majesty's Librarian at Windsor Castle, for permission to reproduce Figs. 3, 6, 7 from drawings which are the copyright of H.M. The King.

In regard to the history of the Albani collection of drawings (p. 1) I may add that Valesio on August 8th, 1703 (in his MS. diary of Rome preserved in the *Archivio Storico Capitolino*, Cred. xiv. tom. 13 f. 149^{v}) records the purchase of the library of Cassiano dal Pozzo by Pope Clement XI., who belonged to the Albani family, in the following terms—'His Holiness has bought for his private library all the famous library of engravings, MSS., drawings, and miniatures which belonged to the Dal Pozzo family, and which had been collected by them for over 100 years, and he has made the purchase at the cost of only 4000 scudi.' From

the Pope they passed at the same price to his nephew Cardinal Alessandro Albani (created Cardinal 1721 : died 1779) in January 1714 (Lumbroso, *Vita di Cassiano dal Pozzo*, from *Misc. Storia Italiana,* xv. p. 45, who gives the price, no doubt more correctly, as 4500 scudi) and from him to King George III.

I may also add that in the diary for 1760–2, published in the *Library of Fine Arts*, ii. 9, 10 (1831) (and in its so far unpublished continuation to 1768, which, as Mr. J. Swarbrick informs me, was kept by James, not by Robert Adam, who had returned home in 1758) there is no mention of the purchase of the drawings.

A problem was presented by the existence on several of the mounts of a seal in red wax, which I had hitherto been unable to identify, of which I give a reproduction (Fig. 1) from a sketch kindly made by Mr. Walter

FIG. 1A.

FIG. 1B.

Spiers, Curator of the Soane Museum. The seal is shown in its original size on the left, and enlarged on the right. I did not mention it in my text, hoping that I might have been able, before long, to find out what it was. It is important to note that the same seal occurs, both on the mounts of the drawings of Montano in the Soane Museum, and on those of some of the drawings bought for King George III., which are now at Windsor.

I have now been able to identify the seal as that of a member of the Dal Pozzo family—not of Cassiano himself, nor of his brother Carlo Antonio, to whom his library passed (see p. 45 of the *Nota delli Musei, Librerie, Gallerie, etc.*, which forms an appendix to the edition of Lunadoro's *Relatione della Corte di Roma*, published in Rome in 1664). The title-page of the first book of Giacomo Marcucci's *Antiquarum Statuarum Urbis Romae Libri iii* also bears the arms of the family, being dedicated to Cassiano dal Pozzo himself (Fig. 2).[1]

[1] The crowned eagle is clear enough ; while the object in the other quarters is a 'pozzo' (well-head) between two dragons erect (Lumbroso, *op. cit.* 13 : Crollalanza, *Dizionario araldico*, ii. 373).

This furnishes a proof of what I had already suspected, that our volume and the drawings of Montano came from the Dal Pozzo collection, and must have been acquired (whether honestly or not, there is no means of knowing) by James Adam for himself or his brother when he bought the rest of the collection for King George III.

A further proof of this is the fact that a considerable number of drawings by the second hand (p. 3) exist among the Dal Pozzo drawings at Windsor, almost all of which, as Prof. Hülsen has discovered, are copies from the Barberini sketchbook of Giuliano da Sangallo. An almost complete list of them, for which I am in part responsible, was given in the text to his publication of this sketchbook, (p. xlii),[1] but a portfolio which came to light in 1909 (numbered 5) contains four other examples (ff. 58–61: Inv. 12119–12122).

The first is a copy of f. 25^{v} *b* (the elevation of the arch of Gallienus by the Church of S. Vito), the second of f. 39 *a*, *b*, plans of S. Costanza and the Lateran Baptistery (with the legend *Pianta del Bagno di Costantino*), the third of f. 31^{v} *a*[2] (the side wall of the Basilica of Junius Bassus, later the church of S. Andrea in Catabarbara), and the fourth is a copy of Sangallo's drawing (f. 31 *b*: Hülsen, p. 46) of the internal decoration of the Lateran baptistery, destroyed by Urban VIII. Sangallo only drew half the wall; the copyist has completed it, and has omitted the letters S.P.Q.R. which were certainly not on the original wall. It bears the legend *Una parte del Bagno di Constantino* (Fig. 3). There are a few other drawings by the same hand in the volume of epigraphic drawings from the Dal Pozzo-Albani collection which Sir A. W. Franks afterwards possessed, and which is now in the Department of Greek and Roman Antiquities in the

The arms of Carlo Antonio dal Pozzo, which are identical, recur on the title page of the *Raccolta delle principali fontane dell' Inclitta Città di Roma dessegnate, et intagliate da Domenico Parasacchi*, dedicated to him by its publisher, Matteo Gregorio de Rossi, in 1647. The cross of S. Stephen is alone omitted, as he did not become a knight of S. Stephen until after his brother's death in 1657. His son Gabriele retained the collection (Ciampini, *Vet. Mon.* i. p. 83 a—*cuius vestigia sequitur Eques Gabriel filius*): it was Cosimo Antonio, his grandson, who sold the library to Clement XI., and the seal is very likely his. The arms in the right-hand half of the shield would then be those of his mother, whose name I have not been able to ascertain, inasmuch as they are not those of the Costa family of Savona, to which his grandmother (the wife of Carlo Antonio) belonged (Lumbroso p. 18).

[1] *Codices e Vaticanis selecti phototypice expressi*, vol. ix. *Il libro di Giuliano da Sangallo* (*codice Vat. Barb. Lat.* 4424), Leipzig, 1910.

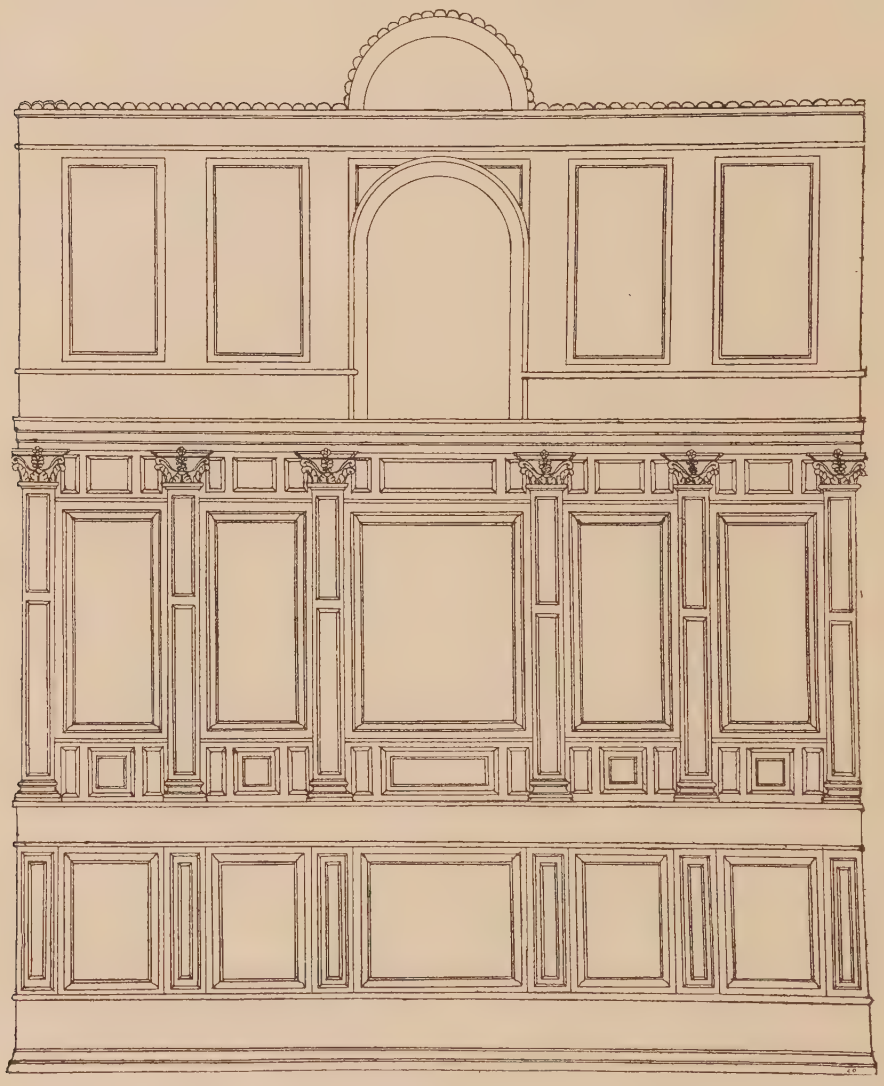
[2] It was this drawing which served as the original of Ciampini, *Vetera Monumenta* i. tav. 21, and not that made by Vincenzo Vittoria (Windsor, *Cod. Vittoria*, f. 42: Inv. 9674) as Hülsen states on p. 80.

British Museum, *e.g.* the copy of *C.I.L.* vi. 12059 on f. 23, which was one of those which belonged to Dal Pozzo (Fig. 4) (See *Classical Review*, xviii. 1904) 70). My dating of the second hand (p. 10) as belonging to the middle

FIG. 2.

of the sixteenth century is therefore erroneous, as it is clearly that of a copyist who worked for Cassiano dal Pozzo (about 1640–50, in Hülsen's

opinion). I may further add that the three watermarks which appear in



Una parte del Bagno di Constantino

12122

FIG. 3.

the paper of the mounts recur at Windsor, both in the mounts and also in

the paper of some of the seventeenth-century drawings themselves. They are—a kneeling St. George (?) in a shield to left (like Briquet, *Les Filigranes*, 7625), a giglio in an oval with a crown (?) above the oval (like Briquet 7107–7110), and a spiked crown with a star above it (not in Briquet).[1]

As to the authorship of the drawings (pp. 3 *sqq.*) I now recognize, as I have stated in the *Classical Quarterly*, iii. (1909), 146 that Dr. Hermann Egger was perfectly right[2] in pointing out (in the *Kunstgeschichtliche*

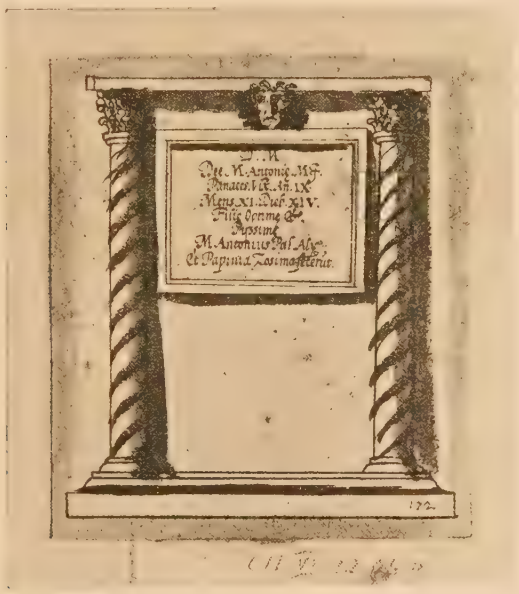


FIG. 4.

Anzeigen—Beiblatt der Mitteilungen des Instituts für österr. Geschichtsforschung, 1906, No. 3) that the flagrant errors in Latin which are found in the legends to some of the drawings by the first hand cannot be attributed to a man like Andreas Coner, who was a priest, and a man of considerable learning, and that the drawings, as we have them, are probably an architect's pattern book (as are the Codex Escurialensis and the Barberini

[1] The watermark of the early sixteenth century paper on which the drawings are—an anchor in a circle, reproduced on p. 2—is a very common type (cf. Briquet 476–495).

[2] Prof. Hülsen agrees with him—*op. cit.* p. xliv. note.

sketchbook of Giuliano da Sangallo, cf. Dr. Egger's text to his edition of the former, pp. 12 *sqq.*) ; further, that they are not originals (neither those of the first nor of the second hand), but go back to older collections. Several of the plans and profiles are to be found in other Renaissance drawings, *e.g.* in the two MSS. just mentioned, among the drawings of Michael Angelo himself, etc., etc., and these drawings so closely resemble one another as to indicate their derivation from common archetypes (cf. Egger, *Codex Escurialensis*, Text p. 55 and Hülsen in *Jahreshefte*, xiii. (1911), 210 *sqq.*) ; while the incorrect and unintelligent copying of some of the legends, and of some of the drawings also, renders it difficult to suppose that the Soane Museum drawings are themselves the archetype, though they are certainly a step nearer to it than the Michael Angelo and Berlin drawings. I may say that Dr. Egger considers the drawing in the Casa Buonarroti, Cornice 23, No. 4 (Alinari 1007) to be undoubtedly an authentic work of Michael Angelo : this opinion is quoted by Hülsen in *Röm. Mitteilungen*, 1906, p. 171, n. 1). Dr. Egger considers that the author of our drawings was probably a North Italian, but has not been able to localize him further. (Cf. p. 3 of his review.)

In regard to other Renaissance sketchbooks from the antique (p. 9) I should add that the Waldburg-Wolfegg sketchbook is now attributed to Amico Aspertini by Fabriczy in *L'Arte*, viii. (1905), 401, who there gives lists of the more important of the contents of two sketchbooks by the same artist in the British Museum (1862-7-12-394 and 1898-11-23-3).[1]

An examination of the first of these has made it clear that Aspertini had access to the same archetype as Coner (cf. *infra*, p. 200).

In adding remarks on points of detail regarding the various drawings as to which I have been able to acquire further information I shall not reproduce in detail Herr Egger's valuable remarks in the *Kunstgeschichtliche Anzeigen*, already cited, nor give a full list of correspondences between Coner and the Codex Escurialensis.

No. **8.** This plan is identical with the plan in the series of drawings by Palladio, belonging to the Duke of Devonshire, now in the library of the Institute of British Architects (R. Phené Spiers in *J.R.I.B.A.* xii. (1905), 233.

No. **10.** Cf. Hülsen, *Sangallo* p. 28 (on f. 17^{v} *c*).

[1] Hübner (*Le Statue di Roma*, p. 52) has discovered that this sketchbook, the later of the two, dates from 1535.

No. **11.** There is a plan closely resembling this in the Dal Pozzo Albani collection of drawings at Windsor (vol. A. 12 f. 95 ; now vol. 185, inv. 10452) 'questo tempio è di Bramante ed è in Roma in Strada Giulia.' The main difference is that the Windsor drawing shows circular spaces in the extreme angles on each side of the chancel. It is a good deal later in date, however, and I do not know from what original it is copied—certainly not from Coner.

No. **12.** M. Ernest Hébrard informs me that this is a plan of the so-called temple of Portumnus at Porto (Canina, *Edifizi*, vi. tav. 186), on the right bank of the Tiber opposite Ostia: and that No. **37** *b* is an elevation of a part of its interior, recognizable by the peculiar shape of the window. The latter, as Hülsen, *op. cit.* p. 54 (on f. 37 *a*) suggests, may not be independent of Sangallo's drawing. Inasmuch as Altmann (*Italische Rundbauten* p. 69) states that the building has entirely disappeared, it may be as well to publish a photograph of what remains of it (Fig. 5).

No. **13**. Egger (*Anzeigen*, *cit.*) calls attention to the fact that the pedestals of the columns which supported the tabernacles in the interior of the Pantheon are not yet united by a base moulding, but are shown separate ; cf. *infra*, **35**, **36**, **63** and *Codex Escurialensis*, fols. 30, 44, 71. In all other views except these the pedestal is shown as one (Egger, *loc. cit.*)

No. **14.** Egger (*loc. cit.*) thinks that the variations in the plan of this palace which we find in Letarouilly are rather due to later alterations, and that they are not of such a character that Coner's plan can claim to be after an earlier study by Bramante ; and here I think he is right.

I may add that Gregorovius has published the text of the deed of gift of the palace to Henry VII. in the *Sitzungsberichte der Berliner Akademie*, (Historische Klasse) for Nov. 2, 1872, p. 515.

No. **15.** For the so-called temple of Minerva Medica see G. Giovannoni, *La Sala termale della Villa Liciniana* (in *Annali della Società degli Ingegneri ed Architetti Italiani* xix. (1904) fasc. 3 pp. 165 *sqq.*): we may notice that in the semicircles on each side of the central chamber the niches are in reality all rectangular; nor do the great pilasters which Coner shows at the angles of the façade now exist. I have given a summary of this article in the *Builder*, vol. lxxxviii. (Jan.–June, 1905) p. 529. I may note that Rivoira (*Origini dell' Architettura Lombarda*, i. 71 = *Lombardic Architecture*, i. 66) is much less inclined than the author of the

article published in *Builder*, *cit.* 110, and the reviewer of my work in the *Oxford Magazine* for May 17th, 1905, p. 329, to see any connection between the plan of this building and that of S. Sofia at Constantinople. Rivoira, indeed, in reproducing the plan of the nymphaeum (Fig. 115) omits entirely (and rightly, inasmuch as they are later additions) the two flanking semidomes, and the two circular rooms, one on each side of the narthex, shown by Coner, which exist only in part, so that we cannot be

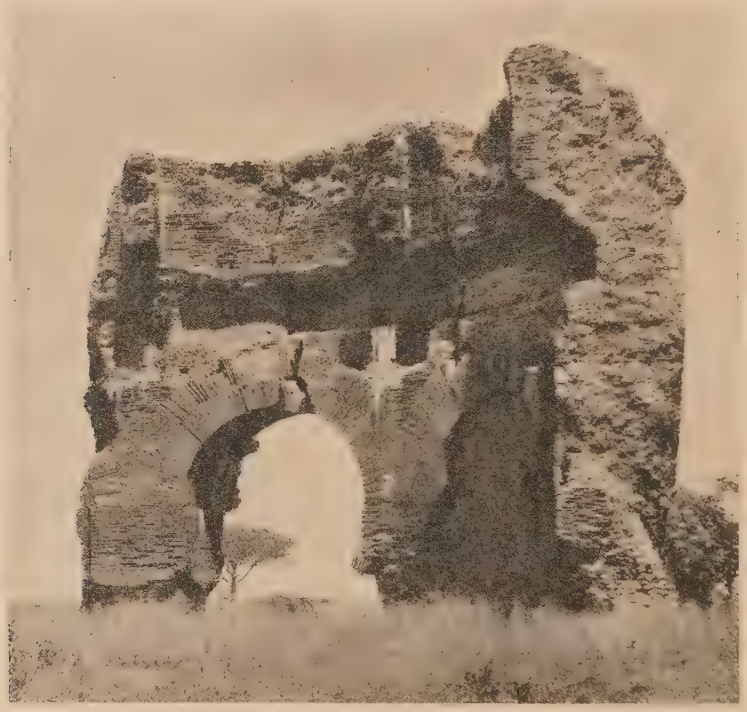


FIG. 5.

certain of their exact form. According to Giovannoni, the narthex itself is a later addition.

No. **18.** The condition of the church before its demolition by Julius II. is described by Adinolfi (*Il Canale di Ponte*, pp. 23 *sqq.*) with the aid of documents from the archives of the church.

The Bull of Leo X. of April 1st 1513 (*Arch. Vat. Bull. Leo X.* No. 993 f. 304) confirming De Grassis in his prebend, which had been

granted him by Julius II. is cited by Delicati and Armellini in their edition of the portion of his diary which deals with the reign of Leo X. (1513–21) (p. 96).

Julius II. died before he could rebuild the church as he had intended; and the canons erected a smaller oval structure[1], which was pulled down by Clement XII. (see the pamphlet cited below).

Valesio in his diary (22 Oct. 1733, in *Archivio Storico Capitolino*, Cred. xiv. tom. 19 f. 57) notes 'è stata affatto demolita la chiesa di S. Celso per fabricare la nuova nel medesimo sito ma con altra simmetria poiche la porta corrisponderà all' Altare maggiore doue ora era di fianco.'

The new building (which is the present church) was consecrated on March 11, 1736 (see *Della Vita e Martirio dei SS. Celso Giuliano Basilissa e Marcionilla e Memorie della loro Chiesa*, an anonymous pamphlet printed at Rome by Vaselli in 1868, and dedicated by the canons of the church to Pius IX.). We learn from the anonymous *Roma Antica e Moderna*, published by Roisecco in 1745 (i. p. 387) and from Moroni that the architect was Carlo de Dominicis, a Roman architect, who according to Zani (*Enciclopedia delle Belle Arti* s. v.) was born in 1716 and died in 1746.

Valesio adds (27 Nov. *loc. cit.* f. 61^{v}) that 'si sono ritrovati ne' fondamenti grossissimi travertini forse dell' arco di Teodosio, che ivi era, e sotto 40 palmi (9 metres) volte grossissime con muri compagni senza sapersi a che uso servissero.'

For the arch of Gratian, Valentinian, and Theodosius, cf. Jordan-Hülsen, *Topographie*, i. 3. 598. I do not know what these 'great vaults' were, and no other author speaks of them.

No. **19** *a*. For this building cf. *Cod. Escurial.* f. 72 and Egger's text: in that drawing all the wings are shown as open in the centre; and they were originally so shown by Giuliano da Sangallo: cf. Hülsen in *Jahreshefte* xiii. (1911), 214.

b. Cf. *Cod. Escurial.* f. 74 (1), and Hülsen's remarks *loc. cit.* 211.

[1] Moroni, *Dizionario di Erudizione Storico-Ecclesiastica*, xi. 311, says that in the time of Alexander VI., or according to others of Julius II., the church was altered in order to open the strada de' Banchi, having previously extended to the middle of that street. Thus it was reduced to a nave 99 palms (nearly 22 metres) long, 37 (a little over 8 metres, whereas our plan gives 15⅝ bracchia = 9·10 m.) wide, and 33 high. It had a vaulted ceiling, there were seven altars, eight tombs, and a campanile with four bells, the largest of which was cast in 1442. This must be a description of the oval church erected by the canons, and can hardly be what is shown on our plan. It is remarkable, however, that none of the works on the churches of Rome gives a proper description of the church as it was from the death of Julius II. to the time of Clement XII.

No. **20.** For S. Costanza see Jubaru's article in *L'Arte*, vii. (1904), 457 *sqq.*: and R. Michel, *Die Mosaiken von Santa Costanza in Rom*, Leipzig, 1912.

No. **21** *a*. This is identical with the plan in *Cod. Escurial.* f. 74. (3).

No. **23** *c*. The structure of which a plan is here given, under the name *Teatri Chapitolii* (*sic*) is undoubtedly the temporary building erected on the Capitol between the Palace of the Senator and that of the Conservators for the occasion of the election of Lorenzo and Giuliano de' Medici (the latter alone was present at the ceremony) as honorary citizens of Rome on September 13, 1513.[1]

The description of this ceremony and of the festivities which followed it, written by Marco Antonio Altieri, was published by Pasqualucci from a Barberini MS. now in the Vatican, formerly liv. 75, now *Barb. Lat.* 4900, ff. 230–244. (*Giuliano de' Medici eletto cittadino Romano ovvero il Natale di Roma nel* 1513, Rome, 1881). There is another MS. copy in the Biblioteca Vittorio Emanuele No. 341, f. 60, *sqq.*

Another much fuller description written by one Paolo Palliolo of Fano, who seems to be otherwise unknown, to Lucrezia Bovia di Zanchini of Bologna, was published by O. Guerrini from a MS. in the University Library at Bologna (No. 3816) which, though belonging to the first half of the sixteenth century, is perhaps not the original. (*Le Feste pel conferimento del Patriziato Romano a Giuliano e Lorenzo de' Medici narrate da Paolo Palliolo Fanese*, Bologna, Romagnoli, 1885[2].) A copy of it exists in *Vat. Lat.* 5381, ff. 24–52, which was itself copied by Galletti, *Vat. Lat.* 7945 ; and there is another in *Cod. Barb.* liii. 31, now *Barb. Lat.* 4793 (mentioned as if it were a different work by Pastor, *Geschichte der Päpste* iv. 414, n. 1, who cites yet another copy in the Biblioteca Comunale at Perugia). From it is taken the description of the banquet given by Ridolfino Venuti in a footnote (on pp. 139, *sqq.*) in the published edition of a speech made on April 21st, 1521, in honour of Leo X. (when his statue[3] was dedicated in the Palazzo dei Conservatori) by a person unknown (*Oratio . . . habita Romae*

[1] The expense of building the theatre was partly met by a loan from Bernardino de' Fabii. Jacovacci, *Famiglie Romane*, letter F, p. 13 (*Cod. Ottob.* 2550) gives the following extract: 'Bernardinus de Fabiis mutuo dedit Populo Romano ducatos 600 pro faciendo Theatro in honorem Juliani et Laurentii de Medicis die 29 Augusto 1513' (*Arch. Capitolin.* Pacificus Nardus not. f. 2).

[2] It is fasc. 206 of the *Scelta di Curiosità letterarie inedite o rare.*

[3] Roscoe is wrong in placing the date of its erection in 1513 and attributing the statue to Giacomo del Duca: it was really the work of Domenico Diana of Bologna (Lanciani, *Storia degli Scavi*, i. 207 : Rodocanachi, Roman Capitol (London, 1906) 71).

in Aedibus Capitolinis, etc. Rome, Mainardi, 1735[1]). Janitschek (*Repert. für Kunstwissenschaft* v. (1882) 259, *sqq.*) made use of this account, publishing extracts from it, and so did Cerasoli (*Buonarroti*, ser. iii. vol. iv. (1891) fasc. iv. p. 132), the latter, however, without knowledge of the existence of the account written by Altieri and of the publications of Pasqualucci and Guerrini. Pasqualucci (pp. 13, *sqq.*) cites other descriptions, namely the rare poem of Aurelio Sereno of Monopoli, *Theatrum Capitolinum Magnifico Juliano Institutum* printed in Rome in 1514, a copy of which is in the Biblioteca Angelica (cf. Roscoe, *Life of Leo X.* (Liverpool, 1805) ii. 217; in *App.* No. 84, p. 73, he reprints the dedication to that Pope), and another in the Hofbibliothek at Munich; and a poem by Antonio Benricevuti of Prato, cited by the bibliographers Moreni and Haym, of which no copy is, he says, now known to exist. Another poem is mentioned by Tizio (*MS. Chigi* G. II. 37, pp. 273, 275, ad ann. 1513, cited in *Archivio della Società Romana di Storia Patria.* iii. (1880) 231) *quod quidem epulum Julius Simon Siculus carmine suo heroico trecentesimo quinquagesimo sexto et laudavit predicavit et mire celebravit* and another by D' Ancona, *Origini del Teatro Italiano*, ii. 89, *Nocturno Napoletano, Triumphi degli mirandi Spettaculi et ricche vivande del solenne convivio*, Bologna, 1519. Cf. also the description in *Brit. Mus. MS. Harl.* 3462, written by Francesco Chieregato to the Marchioness of Mantua on Sept. 13, 1513 (Creighton, *History of the Papacy*, v. 227), and Sanuto's description (xvii. 74, 89); and see Rodocanachi, *Rome au temps de Jules II. et Léon X*, 321. According to Altieri (p. 26), who speaks of him in terms of high praise, the architect was one Pietro Rosselli, a Florentine (Possello is wrongly printed in his text), who is mentioned by Vasari (*Vite* ed. Milanesi vi. 150) as a 'murator vecchio ed ingegnoso,' and who was an assistant of Antonio da Sangallo the younger. Cf. Ferri, *Indice dei Disegni di Architettura esistenti nella Galleria degli Uffizi* p. xxxix. He was also the architect of a house in the Via dei Coronari at Rome, cf. Gnoli in *Annuario dell' Associazione Artistica fra i Cultori di Architettura* (1910–11), Rome, 1912, p. 70.

The interior measured 16 by 14 canne, according to Altieri (m. 35·568 by m. 31·122) while Sereno (4^{v}) gives the size as 66 by 50 braccia (m. 38·518 by m. 29·180); but these statements do not agree with Coner's measurements of 80 by 59 braccia (m. 46·668 by m. 34·432) and we must

[1] This was republished by P. E. Visconti from Venuti's text in *L'Album*, iv. (1837) 263, 272.

suppose that the former are vague and incorrect. The whole structure was of wood, and the front was decorated with six columns, each 3 canne (6·67 metres) high, above which was another order of pilasters, so that the whole was 8 or 9 canne (30 braccia according to Sereno) high. Between the columns were four pictures representing scenes in early Roman history, the best of which, that of Tarpeia, was by Baldassare Peruzzi (Vasari, *Vite* ed. Milanesi iv. 595). Peruzzi also painted the scene for a comedy with very finely executed architecture,[1] and it seems to me not improbable that this is what is represented in the engraving, in three sheets, from the *Speculum Romanae Magnificentiae* (No. 17 in the copy described in Bernard Quaritch's *Rough List* No. 135): there is an engraving of a similar character, but in one sheet only, described *ibid.* 16. Both were engraved by Antonio Salamanca, and the former is lettered *Vera antiqui Capitolii descriptio.* Both are fanciful restorations of the ancient Capitol, and correspond well to Vasari's words 'ma quello che fece stupire ognuno, fu la prospettiva ovvero scena di una commedia, tanto bella che non è possibile immaginarsi più, perciocchè la varietà e bella maniera de' casamenti, le diverse loggie, la bizzarria delle porte e finestre, e l'altre cose che vi si vedono di architettura, furono tanto bene intese e di così straordinaria invenzione, che non si può dirne la millesima parte.' Even if they do not actually represent Peruzzi's scenery, they give a good idea of it. And the two figures conversing, with Cupid in the background, which appear on two of the sheets may well be Agorastocles and Milphio in the *Poenulus* of Plautus, a performance of which formed part of the festivities. The two side pieces of the larger engraving, too, do not fit on to the centre piece, but are arranged exactly like the wings in a stage setting.

Within the entrance passage of the theatre the Capitoline wolf was placed on a base on the right, and the colossal bronze hand, holding a globe, on the left. Both these objects, of course, still exist in the Palazzo dei Conservatori.

Opposite the entrance was the stage, with five doors below and five pictures above, with scenes showing the ancient friendship between Latium and Etruria as exemplified in the early history of Rome. On the inner side of the entrance wall were four other historical pictures, and three on each of the side walls. These and all the other pictures had been designed

[1] Janitschek (p. 269) considers that this refers to the fourth picture on the entrance wall (Guerrini p. 57), a representation of a theatre in which a comedy is being given.

by Tommaso Inghirami of Volterra, nicknamed Phaedra, because he had once acted the title-part in Seneca's tragedy of that name.

The pedestal in the centre was for the orator, Lorenzo Vallati, who made the speech in honour of the two Medici (Guerrini, p. 67). We are told that there were seven rows of seats, holding over 3000 persons, and a level area in the centre arranged with benches. The festivities consisted of a banquet, a masque, so long that it was spread over two days, and the *Poenulus*, which was repeated on the following Sunday before the Pope.

No. **25**. Herr Egger reminds us that the 'Nicchione' is still in existence under the Braccio Nuovo, and tells us that Father Ehrle will give a large photographic view of what remains of it in the work which he is preparing of S. Peter's and the Vatican. The reference to the drawing of the Nicchione in the Windsor Castle Library is given wrongly in the *Addenda* to *Papers* ii. (p. 87). It is really f. 139 of the volume marked Architettura Civile p. 247' formerly A. 12 (vol. xv. in Michaelis' list) and now vol. 186—the drawing bears the inventory number 10496 (Fig. 6).

The author of the drawing is very probably Jacques Androuet Du Cerceau the older. The specimens of his handwriting in the drawings reproduced by Geymüller, *Les du Cerceau*, pp. 9, 25 and plate opp. p. 120, are very similar to the legends on this drawing ; but this fact alone is not sufficient to maintain the identification, in the opinion of Mr. J. M. Rigg, who kindly deciphered the legends for me. (I am also indebted to the Rev. Father R. Coulon, O.P., to the Abbé J. Martin, and to M. Robert Fawtier for help.) But a certain hesitation in the line (cf. *ib.* Fig. 14 p. 37, Fig. 39, p. 81) seems to confirm it ; and I think it may be treated as probable. Du Cerceau left Italy, as Geymüller shows (p. 14) not later than the beginning of 1534.

The legend above on the right runs thus :—

'*Mo(n)s(ieu)r tant humblement com(me) faire je puis a v(ot)re bonne grace me recom(m)ende mo(n)s(ieu)r sache que je suis fort marri* [sorry] *que je ne puis avoir nouvelles de vous je vous ay raicrit* [*récrit*] *deux ou trois.*'

Below is a sketch of the Nicchione, and a plan of it, with a small portion of the adjacent Cortile di Belvedere; in the latter the positions of the Laocoon group (*lacon*, written upside down) and of a Venus (*venere*) are indicated (see Michaelis, *Jahrbuch des Instituts*, v. (1890) 9 *sqq.*). On the right is a drawing of the Venus in her niche, with details of the mouldings of the frame and of the base on which she stood, and the legend *memorez*

le ront [*rond*] *ne . . . . . point a bas.* The last word but three is illegible, and has baffled the ingenuity of all the palæographers to whom I have

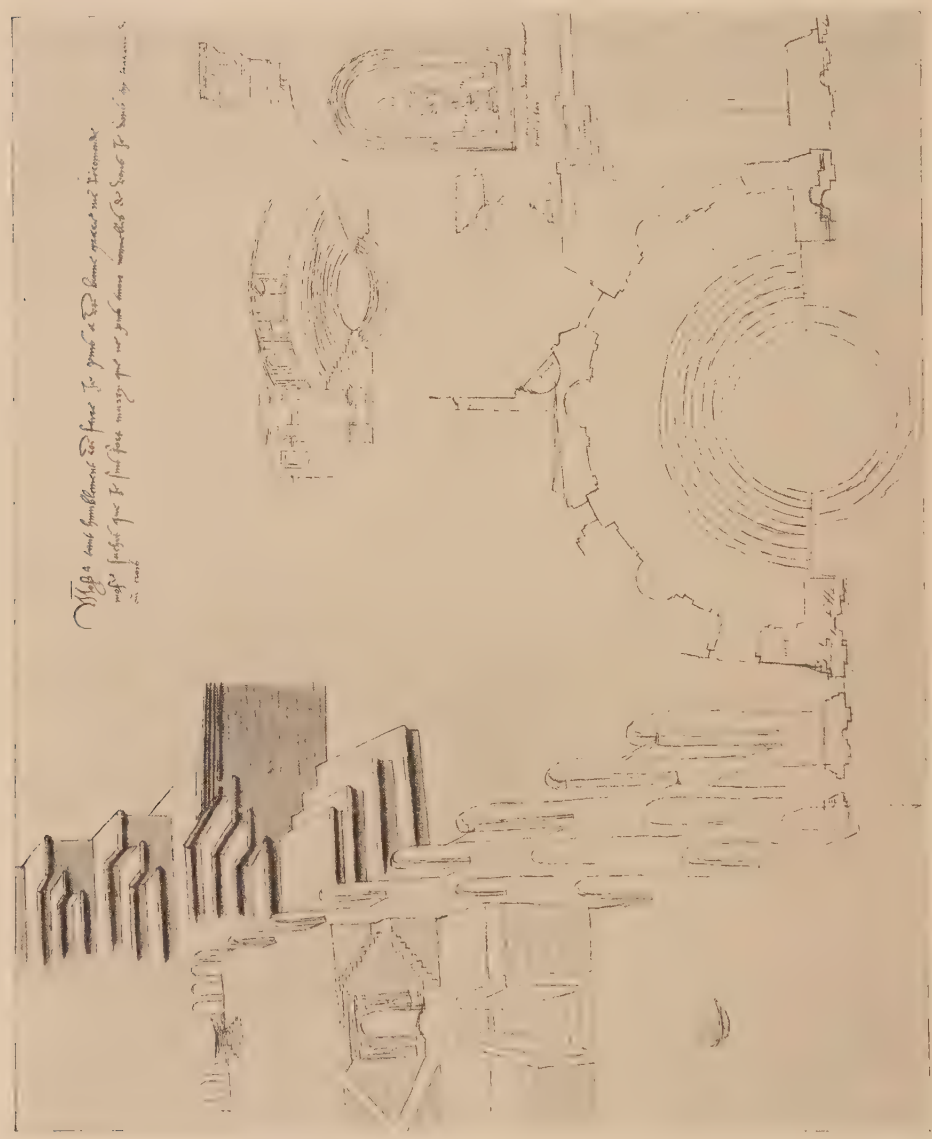


FIG. 6.

submitted it. This cannot be the well known Venus Felix of the Belvedere, for Venus is here shown without the Cupid, which is given

to her by all the authors before Fichard (1536) including Fulvio (1527), p. xxvi, who mention no other Venus (Michaelis, *op. cit.* 14): the earliest pictorial representation of the group known is that of Perrier (1637–8), pl. 86, in which the Cupid occurs; and there seems to be no ground for suspecting that it was added later. The style is not unlike that of the Venus Felix, of which there is no actual replica existing (Amelung, *Sculpturen des Vaticanischen Museums*, ii. p. 112), but the head is turned towards the right shoulder instead of the left, and the right leg is bare instead of being hidden by drapery; and it is certain that we have not here represented either the Venus now in the Uffizi at Florence (Dütschke, iii. 101; Clarac, 320, 2 R; 324, 4 R) or the copy of the Venus of Knidos, now in the storerooms of the Vatican (Michaelis, *op. cit.* 28; Clarac, 322, 6 R), which are both different. Prof. Amelung, who has kindly looked into this matter for me, remarks that the drawing certainly represents a statue of the type of Clarac 322, 7 R—possibly 329, 4, which in Clarac's time was in the Museo Chiaramonti, though here too there are small differences: the head looks straight in front, and it would be necessary to suppose that the left forearm and the fluttering drapery had been added. The niche is now occupied by the Laocoon, which has been there since the end of the eighteenth century. On the left is a view of the Cortile di Belvedere, with the arcades on the right, and the details of the lowest steps.

I should add that after careful examination I do not think that the three other drawings in the Windsor volume referred to by Geymüller have anything to do with the Belvedere.

Lanciani, *Storia degli Scavi*, i. 157 states that the best series of drawings of the Belvedere known to him is contained in the three volumes in the King's Library in the British Museum with the pressmark 75 K. 1–3 (81. 61 C.). These drawings, executed in the late seventeenth or early eighteenth century, contain 120 plans and 75 elevations of every part of the Vatican, but are too late in date to concern us. There is another drawing of the Cortile di Belvedere with the Nicchione in the first of Aspertini's sketchbooks in the British Museum, (*supra*, p. 190) f. 29^{v} (No. 58). This is not noticed by Fabriczy (*op. cit.* 407); and the following additions may be made to his list of buildings in Rome represented by Aspertini (cf. also *infra*, *passim*).

f. 15^{r} (No. 29). Substructions of the palace of Septimius Severus on the Palatine (on the left).

f. 28^{v}, 29^{r} (Nos. 56, 57). Colosseum in the background.

f. 39^{v} (No. 78). Section of the Colosseum.

f. 40^{r} (No. 79). Elevation of the Colosseum (cf. *infra*, **41***a*).

f. 41^{v} (No. 82). (*a*) Pantheon, (*b*) Portico of Octavia.

The points of view are identical with those of Coner **61, 63** *c*, and I do not think we can fail to admit that both artists used a common original. I reproduce Aspertini's drawing (Plate XXXIX. Fig. 1).

f. 42^{v} (No. 84). (*a*) Side elevation of the Pantheon (*infra*, **37**). (*b*) Section of the Pantheon (*infra*, **36**). In both of these the identity of point of view may be noticed. On several of the leaves are ancient cornices, capitals, etc. Those on f. 80 are identical with those drawn by Coner on f. **111,** but are differently arranged.

The drawing of Dosio referred to on p. 26 of the text (No. 2559) has been reproduced by Hübner in *Monatshefte für Kunstwissenschaft*, iv. (1911) Pl. 78, Fig. 12.

Nos. **29** *b*, **30.** Dr. Egger adds that on Vol. B. f. 1 of the drawings attributed to Fra Giocondo in S. Petersburg there is a rough drawing of this tomb. He also notes that the differences between the plan and elevation are such as to make us doubtful as to the trustworthiness of the drawings by the later hand.

No. **42.** I should have noticed (see *J.R.I.B.A. cit.* p. 233) that the lower (Doric) order of the theatre of Marcellus is represented as having a base (though its measurements are not given), whereas it really had none—cf. Saponieri, Visconti, and Feoli in the *Raccolta delle più insigni Fabbriche di Roma Antica*, vi. Teatro di Marcello (Rome, 1822), p. 9 and Pl. III., IV.

No. **43.** There are other similar drawings in the first of the sketch-books of Aspertini cited above, as the late Baron von Geymüller pointed out to me (ff. 29^{r}, 41^{r}, nos. 77, 81), which are not mentioned by Fabriczy in *L'Arte*, *cit.* I reproduce the former here (Plate XXXIX. Fig. 2).

It was from the niches of the Pantheon (Nos. **13, 63**) that Bramante derived the idea of using alternately triangular and curved pediments.

No. **44.** This is also given by Aspertini *cit.* f. 41^{r} (No. 83^{b}). and the point of view corresponds.

No. **48.** (Addendum p. 87) Professor Michaelis must have been

mistaken in the information he gave me, for Mr. A. J. B. Wace, who searched the Munich volume carefully in November 1904, in company with Professors Thiersch and Sieveking, was unable to find the engraving. Dr. Egger, too, informs me that it is not in either of the two copies of the *Speculum* at Vienna, and I have never seen it myself.

No. **51** *b*. Gnoli has returned to the subject of the Cancelleria since his article in the *Archivio Storico dell'Arte*. In an article on Bramante in Rome in the *Rivista d'Italia*, i. (1898) 690 *sqq*. (and separately), he conjectures that the architect was Giuliano da Sangallo, an opinion given also by Titi (*Ammaestramento di Pittura nelle chiese di Roma*, 1686, 99), and Rossini (*Mercurio Errante*, 1693, 68). In a further article in *Rassegna d'Arte* i. (1901), 148, he proves that a new document published by Bernich, who considered the architect to be one Gaspare Romano, is really not at all decisive, and merely indicates his co-operation; Bernich (*ibid.* ii. (1902) 69) explains that his assertion was too strong, and that he prefers to consider that the original architect was Leone Battista Alberti, the palace having been begun by Cardinal Ludovico Scarampa Mezzarota (1456–1465).

No. **52.** I may cite two other seventeenth-century views of the Arco di Portogallo—P. P. Orlando, *Almae Urbis Romae Antiqua et Nova Notabilia* (Rome, 1612), Pl. 25 and Lauro, *Antiquae Urbis Splendor* (Rome, 1612), Pl. 67). Dr. Egger reminds me that the citation of the leaf in the Destailleur volume in the Kunstgewerbemuseum should be A 376, fol. 36^{v}, and adds the following drawings of the same library to my list—A 376, 33 (elevation), 33^{v} (capital and three cornices without ornaments) and *Anonymus Destailleur*, f. 61 (174–175).

No. **63** *a*, *b*. See No. **13** *supra*.

Aspertini has similar sketches of these niches in the sketchbook already mentioned (f. 42^{r}, No. 83), the point of view absolutely corresponding. As Prof. Hülsen reminds me, Jordan (*Forma Urbis*, p. 2) mentions that there is a fine wash drawing of one of them by Peruzzi at the end of *Vat. Lat.* 3439, with the legend, in a later hand, *autographum Balthassaris Perucci ob instaurationem scenographiae Panthei apud Sebastianum Serlium*, (cf. his *De architectura* lib. iii. Venice, 1559, pp. 7 *sqq*.). Ligorio (*Cod. Taur.* xiii. 47 ff. cited by Lanciani, *Storia degli Scavi*, ii. 237) states that they were restored by various persons 'one of them having been restored by Baldassare Peruzzi and Raphael of Urbino, others have done the same';

but there is no confirmation of his statement to be found in other authors.

No. **64** *b*. Cf. Wace in *Papers*, iv. p. 234, n. 7.

No. **65** *a*. To the drawings cited I may further add that by Philibert de l'Orme, in the possession of M. Chedanne, reproduced in *J.R.I.B.A.* 1905, 232. The reviewer of my work in the *Oxford Magazine* for May 17, 1905, p. 329, remarks that in the drawings there is no trace of the inner ceiling of bronze plates which is believed to have existed below the actual roof trusses, corresponding to the arched vault above the entrance, and infers that it had already been taken away by Coner's time, and that Urban VIII. only removed the roof trusses themselves in 1626 to make cannon for S. Angelo and the baldacchino for St. Peter's. This is probably correct, for no author seems to mention it. The reviewer does not quote his authority for the statement that 'a comparison between fragments of the ceiling and the material of the baldacchino has already revealed the fact that the latter is Venetian and not Roman bronze, which disposes of that part of the story.' Torrigio (*Sacre Grotte Vaticane*, Rome, 1639, p. 142) tells us that the whole weight of the bronze from the portico of the Pantheon, both of the beams and of the nails, was 450, 251 lbs., the nails representing 9, 374 lbs. of this amount. Gigli, who is cited as the authority by Lanciani, *Ruins and Excavations*, 484 is, according to Bossi, *La Pasquinata quod non fecerunt Barbari fecerunt Barberini* (Rome 1898) 46, merely copying Torrigio. As Bossi goes on to point out, various contemporary authorities (to whom may be added Cassiano dal Pozzo, see Lumbroso *Vita* p. 47) and notably an inscription put up by Urban VIII. himself under the Portico of the Pantheon, state that part of the bronze from the beams was used for the columns of the baldacchino of St. Peter's: the inscription[1] may be translated thus: 'Urban the Eighth, Sovereign Pontiff, fused the ancient remains of the bronze ceiling into columns for the Vatican basilica and instruments of war, that useless decorations almost unknown to fame should become in the Vatican basilica ornaments for the tomb of the Apostle, and in the citadel of Hadrian (Castel S. Angelo) instruments of public safety, in the year of Our Lord 1632, and the ninth of his pontificate.'

On the other hand an official document published by A. Bertolotti in *Documenti e studi pubblicati per cura della deputazione di Storia Patria*

[1] It is given also by Forcella, *Iscrizioni delle Chiese ecc. di Roma*, vol. i. p. 299, no. 1138.

dell' Emilia (Bologna, 1886) Vol. I., and quoted by Bossi (p. 50), an order by Urban himself to Monsignor Vidone, his Treasurer General, dated June 17th, 1626—says, 'inasmuch as we have ordered that the bronze which served for the roof of the portico in front of the Church of the Rotonda should be removed to make cannon for the service of our State of the Church, we order you that all the expenses which shall be necessary, both for the removal and the carting away of the said bronze, and for the recovering of the said roof and the repairing of the campanile of the said church, you shall cause to be paid by Marcello Sacchetto, our Depositary General of the money of our Chamber:' and here nothing is said about the baldacchino. The columns, too, were already actually set up towards the end of September 1626: so that they must have been cast some time before with bronze which seems to have been obtained partly from the roofing of the ribs of the dome of St. Peter's itself (lead being put in its place) and partly from Venice. This we learn from a loose leaf inserted in a volume of the Archivio della Fabbrica di S. Pietro (*Libro delle Congregazioni*) which runs from August 6th 1626 to August 6th 1627 (Bossi, pp. 34, 52); and here we also find a record of the handing over to Bernini by the Reverenda Camera Apostolica of various reserves of bronze in case that already provided should not be sufficient, including 8374 1/2 lbs. from the Pantheon: this amount was, however, found not to be needed, and was given back to the Reverenda Camera. Bossi (p. 53) thinks it possible that, though the *quantity* given back was the same, it need not have been of the same quality: so that even though the columns were already cast, some of the actual bronze from the Pantheon may have been used in the *confessio*. To me, however, the phraseology of the document seems clear 'but as of this reserve a quantity remained over, the 8374 1/2 lbs. of bronze taken from the Rotonda were accordingly restored to the Reverenda Camera Apostolica, in the same lot in which they had been received.' What was eventually done with this bronze is not clear, but it seems obvious that none of it was used in St. Peter's. There is a curious coincidence between this weight and the weight of the nails, and I am inclined to wonder whether we ought not to read either 8374 or 9374 in both cases. In either case, however, there is some difference in our authorities as to the weight of metal used for the guns: supposing that the beams alone were used for this purpose they weighed 440,877 lbs., according to Torrigio. The figure given by Fea as the total (*Dissertazione sulle Rovine di Roma* in *Storia*

delle Arti di Disegno, Rome, 1784, iii. p. 408) is 45,000,250 lbs.: this is copied from Venuti, *Antichita di Roma* (Rome 1763) ii. 73, but is an obvious misprint for 450,250, corrected in Piale's edition of Venuti (Rome, 1824) ii. 132. Fea, however, examined the accounts of the Apostolic Chamber, and there found the figure to be 448,286 lbs. (*loc. cit.*): to this a small amount more was added, to compensate for the loss of about ten per cent in casting, the total weight of the 110 pieces of artillery which were cast being 410,777 lbs. The statement of Lanciani (*Ruins and Excavations*, 485: cf. *Notizie degli Scavi*, 1881, 287) that 'the casting of the eighty[1] guns (*bombarde*) used up 410,778 lbs.' is therefore not quite correct.

In all this, however, and in subsequent publications, I can find no allusion to a fresh *analysis*, of which the reviewer referred to would seem to speak. It is, indeed, difficult to say where any remains of the bronze beams are now to be found. Cassiano dal Pozzo, in his *Memoriale* (Lumbroso, *loc. cit.*) speaks of one of the nails as having been given to the Duke of Alcalà, who sent it to Spain with his other curiosities. Ficoroni (*Vestigia di Roma Antica*, 132) mentions six of the nails which existed in his time, two in a cannon at Castel S. Angelo, one in the Museo Barberini (which existed until 1812 at least), one from Bellori's collection bought by the King of Prussia, one in the Museo Strozzi, and one bought from the heirs of Gualtieri by Lord Carlisle in 1739; but I do not know whether any of them are now extant.

No. **69**. To the drawings of the base of the column of Trajan I may add Baldassare Peruzzi, *Uffizi*, 388, 412, 482, 484^{v}, Fra Giocondo, *ibid.* 1541, 1541^{v}.

For the chamber in the base of the column (which was known to the engravers of the 16th–18th centuries, but lost sight of in the 19th, and has once more been rediscovered) see my article in *Builder*, vol. xc. (Jan.–June, 1906) p. 368, and Boni in *Notizie degli Scavi*, 1907, 361.

No. **70**. Prof. Gustavo Giovannoni has suggested to me that this is the profile of the well head in the cloister of S. Pietro in Vincoli at Rome, which, as the inscription upon it shows, belonged to the time of Julius II., who died in 1513, and was constructed by Leonardo della Rovere, who became Cardinal of S. Pietro in Vincoli in 1508 and died in 1520 (his tomb is in S. Maria Maggiore).

[1] This is the figure given by Torrigio and Gigli.

The architect, according to Letarouilly (*Édifices de Rome Moderne*, ii. p. 322, cf. Pls. 141, 142) and Clausse (*Les Sangallo*, i. 148) was Giuliano da Sangallo, though from the document published by Lanciani, *Storia degli Scavi*, i. 149, Cristoforo da Caravaggio seems to have been in charge of the construction of the cistern: cf. Bertolotti, *Artisti Lombardi*, 54. The total height is 0·95 metre, which would agree well with the braccio 1 minuti 37 given by Coner,

A somewhat similar profile, as Prof. Hülsen pointed out to me, is shown in a drawing in the *Uffizi* (No. 1640) doubtfully attributed to Giambattista da Sangallo by Ferri (*Indice dei Disegni di Architettura*, p. 70) and lettered '*a Castello nel giardino del Duca Cosimo*,' but the profile differs somewhat (it is apparently a balustrade at the head of a flight of steps) and is only braccio 1 minuti 16 in height; and I have no doubt that Prof. Giovannoni is right.

No. **74**. Hülsen (*Röm. Mitt.* 1906, 171) points out that this is the capital of the Doric temple of the Forum Holitorium, the remains of which are preserved in and under S. Nicola in Carcere. The capital itself is still preserved, but no longer has its coating of stucco—hence the erroneous dating of it by Delbrück, who considers this temple the earliest, and not, as it really is, the latest of the three. For other drawings cf. Hülsen *loc. cit.*

No. **77**. Cf. also the drawing of Antonio da Sangallo the younger, *Uffizi*, 1413, cited by Hülsen, *Röm. Mitt.* 1905, 57, and various others in the *Uffizi*.

No. **88** *b*. The plate of Canina cited should be 119, not 118. The engraving mentioned in the footnote is cited by Robert-Dumesnil, *Peintre-grav. franç.* viii. No. 17 and Nagler, *Monogr.* iv. 3268, 15.

No. **95** *g*. This cornice recurs on the left in a drawing (No. 17) in the second sketchbook of Amico Aspertini in the British Museum (1898-11-3-23) from the collection of Sir Thomas Lawrence; see Fabriczy in *L'Arte* (*loc. cit.*)

No. **98** *b*. This cornice[1] recurs in a sixteenth-century drawing at Windsor (Vol. A. 17 f. 10—now Vol. 190, Inv. 10,797) by an unknown artist (Fig. 7).

[1] Mr. G. Gordon Leith points out to me that the cornice and the shell above are both characteristic of the architecture of the time of Domitian, who must have to some extent restored the thermae of Agrippa (Jordan-Hülsen, *Topographie*, i. 3. 577).

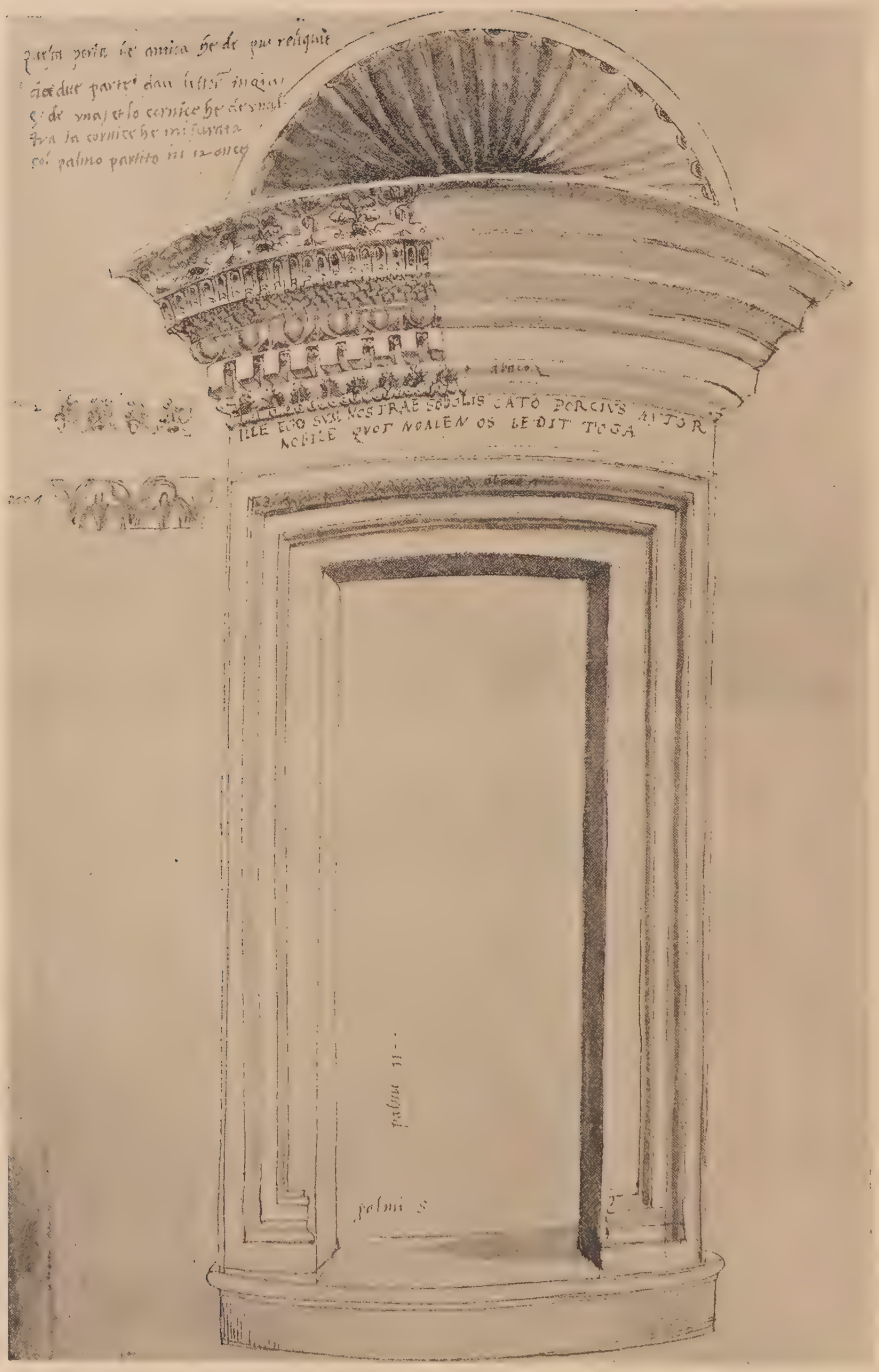

ILLE EGO SVM NOSTRAE SOLLIS CATO PORCIVS AVTOR
NOBILE QVOT NOCLEM OS LEDIT TOGA

FIG. 7.

The legend in the upper left-hand corner is as follows:

questa porta he antica he de piu reliquie
cioe due parte dale lettere in giu
e de una et lo cornice he de un al-
tra la cornice he misurata
col palmo partito in 12 *once.*

From this we learn that this door actually existed in the house of the Porcari family, being made up of ancient fragments—the doorposts being one part, and the cornice another.

The inscription

ILLE EGO SVM NOSTRAE SOBOLIS CATO PORCIVS AVCTOR
NOBILE QVOT (*sic*, for QVOI) NOMEN OS DEDIT [ARMA] TOGA

is a Renaissance invention and was copied by other authors (*C.I.L.* vi. 3* g). In the niche was a bust or a painted portrait of Cato (Lanciani, *loc. cit.*).

No. **100** *b*. This frieze is very similar to that given in *Cod. Escurial.* 36^{v} (2): the latter belonged to a circular building near Tivoli (*see* Egger's remarks *in loc.*). I very much doubt whether the two are identical, though the accuracy of the second hand is not above suspicion.

No. **104** *b*. This occurs on the right at the top in the drawing of Aspertini cited under **95** *g*.

No. **105** *a*. The cornice block is used as building material in the Arch of Constantine, and the cornice can still be seen in the chamber in the attic.

No. **107** *b*. *Theatrum Minervae* may possibly refer to the apse or the Piazza of S. Maria sopra Minerva: cf. *Bull. Com.* 1899, 257. 'In the excavation (in the Via di S. Chiara, between the Via Cestari and the Via di Torre Argentina, *i.e.* on the site of part of the Baths of Agrippa) a fragment of a marble frieze was found, with a rosette and part of a hippogriff carved in relief upon it.' This would then be one of the cases where the legend on the original drawing has been copied by an artist who did not understand it (cf. *Deocritini* for *Diocletiani*, No. **8** and *T. S. Giliae apud . . .* for *T(emplum) Sibillae apud Baias* No. **19** *b*).

No. **118**. The caryatid drawn by Giuliano da Sangallo is also found in the centre of the engraving of a façade by Marcantonio, which is

said to be after Raphael (Bartsch, *Peintre-Graveur*, xiv. No. 538): Passavant (*Peintre-Graveur*, vi. No. 279: cf. his *Raphael*, i. 316, 583, ii. 673) states that it is in the villa Mattei: Thode (*Die Antiken in den Stichen Marcanton's*, etc., p. 3, No. 4) was unable to confirm this statement, and I think it must be erroneous, as I can find no trace of any such monument having existed there; it is, indeed, in all probability largely fanciful, though the elements are doubtless in part antique. Cumberland (*Critical Catalogue of Italian Prints*, 245), who calls it 'the eight caryatides and Bust of Juno' is equally incorrect in saying that 'it is from the tomb of Augustus at Rome. The fine bust of Juno, colossal, seems to have been placed after the work was executed; where the original is I do not know, but a fine cast of it[1] is in Mr. Westmacott's study—perhaps the best colossal bust we know, except the Antinous, at Monte Dragone, near Frascati, belonging to Prince Borghese.' The engraving is reproduced by Hülsen (*op. cit.* p. 78, Fig. 89).

The Antinous is the well-known head in the Louvre (No. 1205). Dr. Egger adds that the Caryatid is also represented in the sketchbook attributed to Baldassare Peruzzi in the Biblioteca Comunale at Siena (*Cod.* S. iv. 71 f. 6): the weight rests on the right leg. There is no descriptive note to the drawing.

A head of a Canephora, presented to the Museo Nazionale Romano (Museo delle Terme) in 1909 is compared by Paribeni (*Boll. d'Arte*, 1910, 313) with this one: he notes that the unknown author of the drawing in the Kunstgewerbemuseum has represented the hair as crossing in bands like the wickerwork of the basket on the head of the Canephora, and concludes, very likely correctly, that either the sculptor or the draughtsman misunderstood the representation and copied it wrongly.

No. **119** *c*. This capital recurs in *Cod. Escurial.* f. 62 (4) and Giuliano da Sangallo, *Barb. Lat.* 4424, f. 14^{v}. Egger considers it not to be antique. I have recently seen an example of it, in *giallo antico* (Numidian marble), in the ground floor of Prince Borghese's house at the abbey of Fossanuova. The measurements agree with those of Coner. It now supports a bust: as to its provenance I know nothing, but I should be inclined to suspect that it had been brought from Rome. As to its antiquity, I cannot offer an opinion.

[1] I imagine the reference is to the head of the Caryatid brought by Lord Elgin from the Erechtheum.

f. **119** *e.* Several ancient capitals exactly similar to those of the second story of the court of the Cancelleria, which must have served as models for them, are cited by Hülsen (*op. cit.* p. 25, f. 14^{v} *n.*). Another, as was pointed out to me by the late Baron von Geymüller, exists in a villa on the right of the Via Flaminia near the villa di Papa Giulio (Fig. 8).

No. **126** *b.* I may add that the only complete example of this base is now in the Berlin Museum (No. 1013), though there are some sixteen fragments in the Atrio of the Capitoline Museum—also that there is another drawing of it at Windsor (A. 16, f. 16, now Vol. 189, Inv. 10753) 'Roma in casa di M. Thomasso de Caualierj di marmo.' Cf. *Cod. Escurial.* 51 (3) and Egger's text (p. 129).

FIG. 8.

No. **132** *a.* This base recurs in Ligorio (*Bodl. Canon. Ital.* 138, 91^{r}) and in *Cod. Escurial* 23 (3). Egger does not cite Coner in his text, though he does in his review.

c. This base recurs in two drawings at Windsor (A. 16 f. 15, 16, now Vol. 189, Inv. 10752, 10753) with a similar legend.

No. **138** *h.* This capital resembles that attributed to the interior of the Temple of Mars Ultor by Labacco (*Architettura*, Pl. 11).

No. **139** *c.* As Prof. Hülsen points out (*op. cit.* p. 24, f. 14^{v} *b*) this pentagonal capital was in the former sacristy of S. Peter's (S. Maria in Febribus) and recurs in two drawings from the Destailleur library, now in the Poloffzoff collection at S. Petersburg (vol. A. f. 51, vol. B. f. 94).

No. **142.** For Antonetto delle Medaglie cf. the extract from Cardinal Ippolito d'Este's accounts published by Venturi in *Archivio Storico dell'Arte*,

iii. (1890).197 'on the 24th June, 1554, for the cost of a marble head and a statue bought from M(ast)ro Antognetto antiquario Sc(udi) 29 b(aiocch)i 70 and for the carriage b(aiocch)i 73 1/2 — total Sc(udi) 30 b(aiocchi) 43 1/2.'

No. **148** *c*. Prof. R. Phené Spiers in *J.R.I.B.A.* 1905, 233 attributes this capital to the Basilica Ulpia, but I think wrongly, for its capitals were Corinthian (Canina, *Edifizi*; ii. tav. 118).

No. **151** *a*. As Egger points out in his review, this is probably one of the huge capitals which now decorate the columns on each side of the chair of St. Peter in the choir of the present church: they can hardly have belonged to a pair of the columns of the nave, but perhaps stood at the triumphal arch.

No. **156** *f*. is given by Piranesi, *Magnificenze dell' Architettura Romana*, tav. xviii. '*in pariete domus positae e regione carcerum novorum.*' The Carceri Nuove built by Innocent X. are in the Via Giulia, near S. Biagio della Pagnotta ; but I have not seen this frieze there. In the text (p. 73) 16^{v} should read 17*c*.

g. In the reference to Helbig the number should be 333 (not 33)=ed. 3, No. 319.

No. **160.** This is attributed by Egger (as also *Cod. Escurial.* 59(1) and 62(2)) to the marble screens which were let in between the pillars of the canopy under which stood the pine-cone in the Atrium.

In this, I think, he is certainly right (see the drawings of Cronaca and Francesco d'Olanda reproduced by Hülsen in *Rom. Mitt.* 1904, Pl. V).

No. **162.** For the use of similar motives to those in the lower part of the plate compare the eighth opening between the windows in the Loggie of Raphael—Camporesi and Volpato, *Le loggie di Raffaello* (Rome, 1772) part i. no. 7, Letarouilly, *Le Vatican*, Vol. II. Cour des Loges, Pl. 17, 19: Hoffmann, *Raphael als Architekt*, iv. *Vatikanischer Palast* Pl. LIX. viii. a, c (the painted decorations between the stucco reliefs).

Appendix iv. p. 85. The fountain basin in the Cortile di Belvedere, a splendid block of granite referred to in this description, was found by Julius II. in the baths of Trajan about 1510. It was re-erected by Paul V. in 1609, as the inscription attests (Forcella, *Iscrizioni*, vi. 439 ; see Lanciani, *Comentari di Frontino*, in *Atti dei Lincei*, ser. iii. vol. iv (1879–80) p. 379). Another description of the tournament is given by Alveri, *Roma in ogni stato* (Rome, 1664) II. 143 *sqq*

PAPERS OF THE BRITISH SCHOOL AT ROME
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THE NORMAN ADMINISTRATION OF APULIA AND CAPUA

MORE ESPECIALLY UNDER ROGER II. AND WILLIAM I. 1127–1166.

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Chartolarium Amalphitanum sive veterum instrumentorum collectio a saeculo x. ad saeculum xvi, olim nobilibus sanctimonialium coenobiis Amalfiensium pertinentibus, nunc apud moniales SS^mae^ Trinitatis depositis, et ex originalibus moembranis exscriptis et in seriem digestis : cura, studio, et diligentia Macthaei Camera CIↃDCCCXLVI.

Chartolarium Amalphitanum . . . cura Matthaei Camera.

Abbreviations.

Capua : Archbishop's Archives.

Cava : Archives of SS^ma Trinità di Cava— — Archives of Cava.
Original charters and documents.
Dictionarium Archivi Cavensis . . . opus perfectum a R.P.D. Augustino Venereo et exaratum a R.P.D. Camillo Massaro.

Monte Cassino : Archives. — Archives of Monte Cassino.
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PREFACE.

OF late years the history of the Normans in South Italy and Sicily, both in its political and institutional aspects, has been the subject of considerable investigation. The works of Heinemann, K. A. Kehr, Caspar, Chalandon, Meyer, and even more recently the studies of Herr Niese and Professor Haskins, have thrown much-needed light on the conquest and organisation of the Norman kingdom of Sicily. With this extensive literature in view, it will not be out of place to explain how the present investigation came to be undertaken. Some fifteen years ago, when this wave of interest was as yet hardly suspected, I was attracted, as all students of the Middle Ages must be, not only by the dramatic story of the Norman adventure in the South, but by the extreme importance of the constitutional and administrative system which grew up in the conquered regions. The older writers stimulated rather than satisfied the spirit of inquiry. They drew attention to analogies between Norman institutions in England and Sicily and they indicated a fruitful field of study in the comparison of the two greatest Norman states, holding out the hope of winning by this means more exact knowledge of the primitive Norman system, unaffected by the civilisations with which it came in contact.

In 1903 the offer of the Somerville College Research Fellowship gave me the opportunity to attempt some such inquiry, but it soon became evident that the area must be narrowed before any useful purpose could be served, and I limited myself to the study of the government of the Italian Normans, and that moreover in a part only of their dominions and in a restricted period. The administration took different forms in Sicily and in the provinces of the mainland, and considerable developments appeared during the period of Norman rule. For the present therefore I have only attempted to describe the administration in the duchy of Apulia and the principality of Capua, in the reigns of the first two kings, Roger II. and William I., when it assumed definite shape. Later developments have only been treated in so far as they seemed to illustrate the period of creation. Even this restricted investigation was not finished during the years for which the Fellowship was granted, and the further delay in completion has been unavoidable owing to the claims of other work. A necessary consequence has been the publication meantime of several of the

works mentioned above and of other studies besides, and from these I have received much assistance. I have endeavoured always to acknowledge my indebtedness, but I had in many cases arrived at independent conclusions.

I am very glad to have this opportunity of expressing my thanks for much personal kindness from many friends in England and abroad. In Oxford I am indebted particularly to the late Professor Pelham; to Mr. R. L. Poole, Lecturer in Diplomatic; to Mr. H. A. L. Fisher, Fellow of New College; and to Miss A. E. Levett, Tutor of St. Hilda's Hall, for help and encouragement; and I am under especial obligations to Mr. E. Barker, Fellow of St. John's College, who read the whole of the MS. and gave me the benefit of his criticism and experience. Professor C. H. Haskins of Harvard University has generously allowed me to draw on his special knowledge of the subject; he read the Calendar and Appendix of Documents in proof, and made some valuable corrections and additions. During visits to Italy in 1906 and 1912, my way was made smooth by the influence of the British School at Rome and I owe much to the good offices of the Director, Dr. Ashby. Directly, or through the British Consuls in Naples and Palermo, who gave generous assistance, he obtained permission for me to visit many libraries and archives public and private. The names of most of these collections will be found in the Index of Authorities, but to the list must be added the Archives of the Greek College in Rome and the Library of the Società di Storia Patria, which are not included, because none of the documents from these sources happened to concern the present study. My obligations to all who allowed me to use unpublished material, in their possession or under their care, are very great, and I owe especial thanks to Father Ehrle, Prefect of the Vatican Library; to Don Ambrogio Amelli, Prior of Monte Cassino; to Don Guglielmo Colavolpe and Don Leone Mattei, Archivists of Cava; to the Count de la Ville sur-Yllon, secretary of the Società Napoletana di Storia Patria; to the Signori Camera of Amalfi; and to Professor Garufi of the University of Palermo, who placed at my disposal books and photographs of Sicilian charters. My sister Miss C. Jamison has throughout given me the help of constant discussion and advice, and she has laboriously verified the references. I cannot conclude this attempt to express my obligations more fitly than by offering my gratitude to Somerville College. My debt is twofold: without the assistance of the Fellowship these Norman Studies could never have been undertaken, and I owe much friendship and happiness to many members of the College of my adoption.

CHAPTER I.

INTRODUCTORY CHAPTER: SOUTH ITALY BEFORE 1127.

(1) *The Landing of Roger II. at Salerno: the beginning of the Conquest.*

ON July 25th, 1127, duke William of Apulia died, and in the first days of August his kinsman and vassal, count Roger of Sicily, anchored his fleet in the bay of Salerno. Ambassadors left the ships and demanded the submission of the citizens to the count of Sicily, who claimed their allegiance on the ground of hereditary right. He asserted moreover that duke William, being childless, had during his life-time appointed him his heir. The Salernitans refused submission outright, because, they said, they had suffered much evil at the hands of the duke and his predecessors, and they expected no better from the count of Sicily. Not content with a plain refusal, they made their meaning clearer by killing one of the count's messengers. Roger in spite of this insult continued to urge his claim, and at length his politic self-control was rewarded. He obtained the submission of Salerno, but only at the price of confiding the custody of the castle to the citizens. In the meantime count Rainulf of Alife, the husband of Roger's sister Matilda, came to meet him and sought an interview on ship-board. Once more concessions were demanded as the price of homage. Rainulf asked, and after some resistance received, the subordination of the count of Ariano to himself. At length Roger entered Salerno and the policy he had followed bore its natural fruit in an offer of submission from the men of Amalfi, on the condition that they, too, should keep the fortifications of their city in their own hands. The methods of conciliation adopted by Roger no doubt blinded the citizens of Salerno and Amalfi to the real character of the man who became their ruler, and within very few years they were forced to abandon the privileges for which they had bargained. The initial policy adopted by the count was fully justified in the event. He obtained a firm footing on the mainland in the very region where the ducal authority had been strongest, and he won the unwavering loyalty of Salerno, a true city of refuge in later days. Thus

the first act was accomplished in the formation of the kingdom and the union of all the Norman territories in Italy and Sicily in a single state.

(2) *The Development of the Norman States of South Italy.*

Capua, Apulia, and Sicily up to 1085.

Although, owing to the immediate situation, Roger acted with sudden decision when the news of duke William's death reached him, his plans had long been preparing, and his whole policy on the mainland had been directed towards the eventual absorption of Apulia. Indeed, ever since the death of Robert Guiscard in 1085, the counts of Sicily had made it one of their chief objects to increase their influence in the duchy. The fortunes of the two branches of the house of Hauteville had been determined by the circumstances of the Norman conquest of South Italy and Sicily, and the same circumstances had brought them into close relationship with the papacy and the independent Norman state of Capua.

On their arrival at the beginning of the eleventh century the Norman adventurers found the country in which they meant to make their fortune divided into an incredible number of small states, constantly at feud with each other in ever-changing combinations. There were the Lombard states of Salerno, Benevento and Capua, which had been formed out of the ancient duchy of Benevento ; there were the duchies of Naples, Gaeta, and Amalfi, nominally subject to Constantinople, but practically independent and free to make alliances with any power, Greek, Lombard, or papal ; there was the Byzantine government, which, driven into the southern extremities of the peninsula by the conquering Lombards, had made a wonderful recovery at the end of the tenth and the beginning of the eleventh century at the expense of Benevento and Salerno. In 1028 the Byzantine revival had reached its height and the territories directly subject to the basileus stretched as far north as Termoli. One more power has still to be added to the list : Sicily, since 831 in Saracen hands. In the early years of the eleventh century Southern Italy was the scene of a duel to the death between the revived Byzantine authority and the Lombard populations, whether held down by the Greek governors or enjoying a still independent political existence in the Lombard principalities. Called in at first to help the insurgents against Byzantine absolutism, the Norman adventurers ultimately transformed the political situation. The duel was changed into a three-cornered fight and the future of the country was

given, not to the Greeks or Lombards, but to the Normans. From this time onwards till the death of Guiscard a struggle can be observed between the anarchy and minute territorial subdivision that was the worst legacy of past centuries, and a unifying force which promoted the formation of larger political units for the future. A complete unification of the country proved impossible till the conquests of Roger II., but it seemed likely that two independent Norman states would be established. In the early days of the occupation there was no single leader to direct the operations of the invaders, and when they began to demand land rather than money as the reward of their services they were established in two distinct settlements, one with Aversa, and the other with Melfi, for a centre. The establishment at Aversa absorbed the principality of Capua, while the duchy of Apulia developed out of the primitive federation of counts who were grouped round Melfi.

Capua.

The mercenary counts of Aversa, who owed their first territorial possessions to Sergius IV. of Naples in 1028, became after some vicissitudes dependent on Guaimar of Salerno in 1043. About this time Rainulf of Aversa established his power in Gaeta, and between 1058 and 1062 his successors conquered the principality of Capua. By degrees they advanced towards the north-east, subduing the inland plateaux of the Abruzzi, in the regions of Rieti and Amiterno and Marsia. The beginning of the dependence of the principality on the papacy dates probably from 1059, since in this year apparently Richard of Capua received investiture of his dominions from Nicholas II. The relations between Richard and his papal suzerains were somewhat troubled, especially since the policy inaugurated by Alexander II. of playing off the prince of Capua against the duke of Apulia drew him into hostility with the latter power. The internal history of the principality was one of perpetual strife and discord stirred up by the discontented Lombard counts, who could always reckon on the support of the city of Gaeta. The power of the prince of Capua, however, steadily increased and whether in alliance or at war, he proved a dangerous rival to the duke of Apulia.

Apulia and Sicily.

The Normans of Melfi, under the leadership, first of the Lombard Ardoin, and then of the sons of Tancred of Hauteville, gradually conquered all the districts of the south except Capua and Naples, while another group of adventurers in nominal dependence pushed their conquests north along the Adriatic Coast into the region of the Abruzzi. In 1043, William of the Iron

Arm received from Guaimar of Salerno the title of count of Apulia: in 1047 Drogo was invested as *dux et magister Italiae comesque Normannorum totius Apuliae* by the emperor Henry III., who claimed rights of suzerainty over southern Italy, and at the same time granted the duchy of Benevento to the new ruler of Apulia. Soon the dukes freed themselves from any ties of vassalage towards Salerno, and pursued a course of action directly hostile to their old protector. The position of the new state was regularised in 1059 by the bargain made with Nicholas II. at Melfi. The pope, in virtue of the donations of Constantine and Charles, granted investiture of Apulia and Calabria and any future conquests, and the Normans vowed themselves to help and protect the Holy See. The city of Benevento had meantime passed into direct papal possession. Under Robert Guiscard the Apulian power steadily advanced. The fall of Bari in 1071 marked the final collapse of Byzantine authority, and the hostility to Guaimar culminated in the capture of Salerno and the incorporation of his principality in the duchy in 1077. Amalfi had been in the hands of Guiscard since 1073. Meanwhile the conquest of Calabria had been completed in 1060 by Roger, Robert's younger brother, and the fall of Palermo in 1072, twelve years after the first attack on Sicily, marked the establishment of the Hauteville family in the island. The extent of Guiscard's power in 1080 is shown by the oath of fealty sworn to Gregory VII. in this year. Robert describes himself as duke, by the grace of God and St. Peter, of Apulia, Calabria, and Sicily, and these he holds of the pope: he is further in possession of the march of Fermo, of Salerno, and of Amalfi, but the pope regards it as an unjust possession and the oath does not include these districts, which are to be the subject of a future agreement.

In Calabria and Sicily, Robert had been forced to abandon a portion of his authority to his brother Roger. In that part of Calabria which lies between Monte Intefoli and Squillace and Reggio, the brothers shared the most important castles, in such a manner that each held a definite moiety of every castle. In Sicily, Robert kept Palermo and half of Messina in his own hands, while Roger did homage for the rest of the Island.[1]

Condition of South Italy on the death of Robert Guiscard.

On the death of Guiscard in 1085, the power of the duke of Apulia was in appearance very great, but already in his life-time there

[1] E. Caspar, *Roger II.* (1101–1154) *und die Gründung der Normannisch-Sicilischen Monarchie.* Innsbruck, 1904, p. 5 and n. 2.

were indications of a return to the condition of anarchy from which the house of Hauteville had, to a great extent, rescued 'the broken provinces of the Greeks and Lombards.' The principality of Capua had proved a constant menace to the Apulian power, and the necessity of entering into an alliance with the rival state in 1076 showed that the Hauteville supremacy in South Italy was but a vision, as long as independent Norman princes ruled in Capua. There were perpetual difficulties, too, with the papal suzerain—overlord alike of Apulia and Capua, and direct ruler of Benevento in the heart of the duchy—and the pontificate of Gregory VII. had demonstrated the advantage to the Holy See of maintaining an equilibrium of power between its Norman vassals. The semi-independent position, moreover, of the Great Count of Sicily might well suggest, granted favourable conditions, the rise of a third state to equal or even greater importance. Further, wedged between the Norman states of Capua and Apulia, the city of Naples had maintained its independence in spite of all efforts to reduce it to submission. Within the duchy constant baronial revolts disturbed the peace, and in the regions of Benevento and Calabria the racial hatred of the Lombards and the Greeks for the Normans was ready to break out, as soon as the iron hand of the Guiscard was removed. The genius of the great duke, too, was rather for war and policy than for government, and he had failed to provide any form of administration that would check the power of the Norman barons and the force of Lombard nationality.

Dismemberment of Apulia under duke Roger.

The unity of Apulia was but the expression of a great personality, and the future of the duchy depended above all on the character of the successors of the Guiscard. He left his dominions to Roger, the son of the Lombard Sikelgaita of Salerno, thus disinheriting Boamund, his elder son by a previous marriage with the Norman Alberada. This arrangement was no doubt due to Sikelgaita's influence, and Robert probably hoped that such a disposition might bring about an amalgamation of the Norman and Lombard peoples. The plan was fatal to the prosperity of the duchy: Boamund was not the man to submit to the situation of a landless soldier of fortune, and Roger was even less the man to vindicate the position for which he was destined. Romuald of Salerno paints the portrait of a pleasant courteous man, capable only of small things, and satisfied with modest attainments. His good looks and his kindliness gave him a certain popularity, and his love of the church and his deference to

Establishment of the principality of Taranto.

the clergy were reckoned among his chief virtues. His reign is marked by a dismemberment of the duchy, and a loss of prestige both with his own subjects and in his relations with other powers. Foreseeing the opposition that his succession was bound to arouse, he had assured himself even before his father's death of the support of the Great Count of Sicily. Thanks to this assistance Roger was recognised as duke of Apulia from the outset, but Boamund chose the first favourable opportunity for revolt, a course which he pursued at intervals during the next dozen years. Roger was only able to ensure peace by the cession from time to time of considerable territories. In 1086 Boamund obtained Oria, Otranto, Taranto, and Gallipoli, as well as the country between Conversano and Brindisi, with the title of prince of Taranto. Four years later Bari and certain places in northern Calabria were added to his possessions, and he managed to win over the counts in the Val Sinni. It is a doubtful point how far duke Roger abandoned his rights, but on the whole it seems most probable that Boamund enjoyed sovereign powers in his principality and was never the vassal of his brother.[1] In any case, the duke lost all practical control of the regions between Melfi and the gulf of Taranto, together with the whole heel of Italy. It is perhaps interesting to notice that the districts which had belonged to the Lombard states of Benevento and Salerno remained in the hands of Roger the son of Sikelgaita, while the Norman Boamund held the region formerly under the direct sway of Byzantium, a region in which the baronage was drawn wholly from the descendants of the Norman invaders, and in which the Lombard element was strong only along the Adriatic sea-board.

Advance of Sicily.

In addition to the dismemberment of the duchy of Apulia to form a princedom for Boamund, a further loss of territory was suffered by the repeated concessions made to Roger of Sicily. Already in 1085 duke Roger had abandoned his moiety of the divided castles of Calabria[2] to his uncle in return for his prompt support, a support that was requisitioned on more than one future occasion. The Sicilian branch of the family seized every opportunity to improve its territorial position at the expense of the ducal suzerain. In 1089, the Great Count received the investiture of certain lands near Catanzaro[3] after helping to put down

[1] E. Mayer, *Italienische Verfassungsgeschichte von der Gothenzeit bis zur Zunftherrschaft.* Leipzig, 1909, ii. 372.

[2] F. Chalandon, *Histoire de la Domination Normande en Italie et en Sicile*, Paris, 1907, i. 288.

[3] *Ibid*, p. 294–5.

the revolt of Boamund and Mihera, and in 1091 duke Roger was forced by his need of military assistance to cede half of Palermo and the administration of the whole city,[1] so that nothing remained to him in the island except half the capital city and the bare title of overlord. The help of the Great Count was sought too by Richard II. of Capua, who in 1097 begged the support both of Robert of Sicily and Roger of Apulia to recover his capital city. The former received as his compensation the cession of all Richard's pretensions over Naples, while the duke of Apulia obtained the homage of the prince of Capua. This advantage, though in fact an empty one, is the sole gain that can be ascribed to the reign of duke Roger. Besides the direct increase of territory which the Great Count secured by his interventions, he sought still further to spread his influence on the mainland by the marriages of his daughters. Emma was married to Ralph Maccabeus, count of Montescaglioso, and Adelaide was the wife of Henry, count of Monte S. Angelo. A third daughter, Matilda, married count Rainulf of Alife, but perhaps the wedding did not take place in her father's lifetime.

European position of the Great Count of Sicily.

The predominant position of the count of Sicily not only in Southern Italy but in European politics is illustrated by his relations with the papacy and the empire. Ever since the death of Guiscard, Apulian support had been an almost negligible quantity with the Holy See in its struggle with Henry IV. Duke Roger played but an insignificant part in the negotiations for the elections of Victor III. in 1086, and Urban II. in 1088, and both of these popes seem to have found their best support in Jordan of Capua. The death of this prince at the end of 1090, brought about a temporary eclipse of Capuan prestige, since the principality was involved in the troubles consequent on a minority. The papacy turned more and more to the only effective South Italian power till the death of the Great Count in 1101. The Sicilian ruler possessed one great asset in his dealings with the papacy, and that was his position as an outpost of Christendom. This explains the acquiescence of Urban II. in Roger's high-handed arrangement of the Sicilian dioceses, and in 1098 the grant of legatine authority over the island confirmed the count's exceptional position in relation to the church of Sicily. As the champion of the papacy against the emperor Henry IV., Sicily assumed for the first time a European importance when Roger's daughter Constance was married to Conrad the revolted son of Henry.

[1] Caspar, p. 6.

After the death of the Great Count, during the minority of his sons, Sicily disappeared for a time from the circle of European politics. The energies of the regent Adelaide were absorbed in maintaining authority over the island, and her policy assumed a marked oriental tinge. Nevertheless, the weakness of the duke of Apulia was made more than ever apparent, for he took no steps to recover lost ground towards his Sicilian vassal.

Social condition of Apulia and Capua at the beginning of the twelfth century.

The last ten years of his reign seem to have been passed by duke Roger in a round of pious donations and ineffectual efforts to suppress rebellion. He died in 1111, leaving the duchy to his son William under the guardianship of his mother. Contemporary writers insist with painful emphasis on the anarchy into which the regions of Apulia and Capua had fallen. It was the one fact which could not fail to strike every observer. The ducal authority was utterly ineffective as a means of checking private war between baron and baron, and between baron and city, or of putting down the rebellion of baron and city alike against their suzerain. There was no power with means and vigour sufficient to protect the poor and defenceless classes of the community.

The internal history of the Norman states at this time was profoundly influenced by the varying fortunes of pope and emperor, between the capture of Pascal II. in 1111, and the Concordat of Worms in 1122. The success of Henry V. during the early part of this period of the Investiture Contest, had the effect of sending a wave of revolt through the Lombard populations of the south. Besides the encouragement given to the Lombards, another effect of the papal and imperial struggle was felt. The ascendancy of the partisans of the emperor often made Rome an impossible place of residence for Pascal and his successors, and compelled them to seek aid and refuge in the Norman states. The frequent residence of the popes in the south marks a new stage in the relations of the Norman princes towards their suzerains. At the moment of greatest need, they were least able to give the aid required. Recognizing easily enough the causes of Norman weakness, the popes interfered actively in internal affairs. Not only did they endeavour to patch up reconciliations between the princes and bring to an end the constantly recurring wars, but they further occupied themselves in holding councils up and down the country to institute the truce of God. The popes no doubt justified this interference by their position as vicars of Christ and suzerains of Apulia and Capua, but in essence their action did not differ from that of the private individuals or

associations, who in other countries endeavoured by the machinery of the *treuga Dei* to supply the lack of public authority.

The relative importance of the Norman states, between 1111 and 1127, is best illustrated by the history of their dealings with the papacy. Up to 1120 the strongest power was undoubtedly the principality of Capua, since it alone was ruled by a man of full age, and here the popes found their only real support. Robert I. repeatedly sent troops to the assistance of Pascal and Gelasius, and when they were driven from Rome they found a refuge at Gaeta or Capua. The Norman States and the Papacy 1111–1127: Capua.

Meanwhile, in the year 1115, duke William of Apulia attained his majority. He is described as a man of medium height, slight in build, a daring and active soldier, well-skilled in knightly exercises. For the rest, his piety and generosity, his lack of self-assertion, his easy manners and good-nature, recommended him to his barons, who made capital out of the unauthoritative disposition of their duke, their general attitude being one of frank contempt. In 1114 William received investiture from Pascal II. at Ceprano and his relations with this pope and his successors were consistently friendly. In spite of his good-will, however, William was powerless to render effective assistance to the occupants of the Holy See. His presence is indeed mentioned with the army under Robert of Capua that restored Gelasius in 1118, but he seems to have played only a secondary part. In general the respective positions of the duke and the pope are reversed: the duke is no longer the armed protector of the pope; but the pope has become the patron of the duke who attends his councils and accepts his intervention in the duchy. The picture of the reign of duke William is but a copy of his father's painted in even darker colours. The ducal authority became restricted to an ever-diminishing region, which, by the end of the reign, seems to have included little more than the principality of Salerno. The other portions, whether nominally subject to the duke like the Terra Beneventana and the county of Loritello, or forming an independent lordship like the principality of Taranto, threw off all obedience to any constituted authority. Side by side with outbreaks of feudal lawlessness, a remarkable movement towards independence surged through the town populations of the duchy. Already apparent in the revolts of Amalfi and Cosenza under duke Roger, the movement gathered force in the reign of his son. The cities were divided by intense party feeling, and this found its expression in constant fighting and intrigues Apulia.

within the walls, and in revolts against the authority of the overlord, with the aid, as often as not, of one or another of the barons of the surrounding country.

Nowhere perhaps was the vitality of the cities and the turbulence of the baronage better shown than in the ancient duchy of Benevento. Here the forces of disintegration were able to draw fresh vigour from the tangled political obligations of the region, for the boundary between the principality of Capua and the duchy of Apulia passed but a few miles to the west of the papal city of Benevento. From the close of the eleventh century onwards, the region was the scene of a never-ending *guerra* between the citizens and the Norman barons of the surrounding country. Even Robert of Capua himself did not disdain to take part in the petty wars of pillage. To a great extent the *guerra* developed into a struggle on racial lines betwen the Lombard citizens and the Norman barons. Within the city two factions disputed the various offices of importance. On one side stood the Lombard party headed by the capable constable appointed by Pascal II. to defend the city from its external enemies, and on the other stood the party in alliance with powerful Normans, such as Jordan of Ariano and Rainulf of Alife, led by the archbishop Landulf.

Further south, in the principality of Taranto, a similar situation existed, and Bari played the part of Benevento with such success as to form an independent state. Boamund I. had virtually abandoned his Italian possessions when he joined the First Crusade, and in spite of the presence of his catepans at Bari, the neighbouring districts gradually departed from their allegiance. On the death of Boamund in 1111, his widow Constance tried to secure the principality in her son's name, and in the attempt lived a life of thrilling adventure and hair's breadth escapes. She found a supporter in Tancred, a brother of Robert of Conversano, and gave him a quarter of the city of Bari. The citizens revolted and soon placed themselves under the leadership of their archbishop Riso. A few years later, Constance, after many changes of fortune, gained the support of Riso. As in Benevento, so in Bari, there were two parties: one faction, under Peter Johannikios and Argyrus, aimed at independence for the city, and the other faction led by the archbishop and Grimoald Alferanites relied for the time on Constance. During 1117 the assassination of the archbishop and of Argyrus left Grimoald master of Bari. He now sought to make himself independent at the expense of Constance and before June 1118 he

was recognised as prince of Bari. A year later she was a prisoner in his hands, and although the intervention of the pope obtained her freedom, Bari had wholly shaken off the Norman rule.

Sicily.

After 1120, the most interesting and significant movement in Southern Italy was the steady rise of the young count Roger of Sicily to a prominent position in Apulian politics. But scanty records of the years of his minority have survived: nevertheless, there are not wanting hints that the regent Adelaide met with opposition and rebellion from the Norman lords of the island, and found the best counterpoise to their unruliness in a reliance on ministers of Greek or Arabic extraction. In 1112 the count attained his majority, and Adelaide sailed away to Acre to assume the coveted position of queen of Jerusalem. She seems to have left no heritage of external complications to her son, and at home Roger succeeded to a well-administered state and a well-filled treasury. At first his personal government followed the general lines laid down by his mother and her ministers, but soon a certain expansion in his ideas may be noted. His aim seems to have been to make Sicily the commercial centre of the Mediterranean.

The pursuit of this policy did not satisfy all count Roger's ambition, and from 1117 onwards he turned his energies to the task of recovering the position of his father in European politics. His immediate points of contact were found in his relations with the papacy and with the Norman states of Southern Italy. The Great Count had enjoyed the friendship of Urban II. and had received from him the famous legatine powers conferred by the Bull of 1098. His son, however, from the outset seems to have fallen under papal displeasure and this disadvantage pursued him during his whole reign of half a century. Men and circumstances had changed since 1098: the balance of success in the war of Investitures was inclining to the papal side, and Roger II., scarcely more than a boy and of no account in the counsels of Europe, did not seem to Pascal worth the concessions which Urban had been willing to grant to the Great Count. About the year 1117 a controversy arose concerning the limits of the legatine authority of the Sicilian count, and Pascal took the opportunity of reading Roger a lecture on the duties of a Christian prince, while tacitly assuming the papal right of sending legates *ex latere* to Sicily.

Roger II. and the succession to Apulia, 1121–1127.

In his relations with Apulia, Roger took up his father's plans and continued his policy of making capital out of the duke's necessities.

Concession after concession of territory was granted in return for assistance in troops and money. The childlessness of duke William gave special point to Roger's efforts to obtain land and influence in the duchy, for the idea of succeeding to the inheritance of the elder branch of the Hautevilles soon developed into a definite aim. The chief difference in the Apulian situation since the death of the Great Count was the changed attitude of the papacy. The interference of Pascal and his successors within the duchy has already been noticed, and this interference was extended to the relations between duke William and count Roger. Frankly hostile to the rising power of Sicily, Calixtus II. exerted all his influence to check the designs of Roger and to preserve if possible the independence of the duchy. His efforts were rendered of little avail by the continual endeavours of the Apulian barons to stir up strife and by the impecuniousness of duke William. The history of Roger's dealings with Apulia is somewhat difficult to place in its proper order. It seems fairly certain that some sort of agreement was drawn up in September 1121 between Roger and William, for at that date Calixtus II. travelled to Salerno in order to confirm a treaty of peace which they had concluded.[1] We do not know whether the agreement was due to an invasion by Roger of his cousin's dominions, or to William's need of money, but it is not unlikely that the terms of the treaty included the pledging of Calabria to Roger for 60,000 besants, the first of a series of similar transactions.[2] In October or November of this same year 1121, within a month or two of the treaty, Roger invaded Apulia and Calabria and laid siege to the castle of Niceforo near Catanzaro.[3] We know so little of the conditions of the treaty, that it is impossible to say whether the count of Sicily's action was justified. Any way Calixtus felt it his duty to urge Roger to desist; he seems to have met with no success at the moment in his efforts to restore peace, and later he was unable to prevent Roger getting all the advantage he desired in a

[1] Falco Beneventanus, *Chronicon* in *Cronisti e Scrittori sincroni Napoletani*. Ed. del Re. Naples, 1845, i. 184

[2] Romoaldus Salernitanus. *Annales* ed. Arndt in *M.G.H.SS.* xix. 418 . . . *predictus dux . . . primo Calabriam pro sexaginta milibus bisantiorum prephato comiti in pignore posuit. Postea mediam civitatem Panormi.* Falco (p. 186) combines these two transactions which Romuald places at different times, and ascribes them to the spring of 1122 (after March); the account of Romuald seems to be the more probable. Cf. Kinnamos Ἐπιτομή ed. Meineke in *Corpus script. hist. byz.* Bonn, 1836, Lib. III. 1, p. 89.

[3] I. M. Watterich, *Pontificum Romanorum qui fuerunt inde ab exeunte saeculo IX usque ad finem saeculi XIII. Vitae ab aequalibus conscriptae*, Leipsic, 1862, ii. 116.

second treaty, which was drawn up with the duke in February 1122. The terms are once more uncertain. At any rate peace was restored, and shortly afterwards, probably in May, William visited Roger to lay the iniquities of count Jordan of Ariano before him and to implore his help. Another treaty was apparently concluded,[1] and as a result of these agreements Roger found himself in possession of the ducal half of Palermo and Messina, while Calabria, which he had held in pledge, now passed completely into his hands.[2]

During the years 1123 and 1124, we know nothing of William's doings, but Roger apparently never ceased his aggressions in Calabria and the county of Montescaglioso, which he claimed as the heir of his sister Emma, widow of Ralph Maccabeus count of Montescaglioso, and of her son Roger.

By 1125 the childlessness of duke William seemed assured, and the efforts of Roger of Sicily to increase his prestige in Apulia culminated in an interview at Messina at which William formally recognised him as the heir to the duchy, in consideration of a large sum of money.[3] This agreement does not seem to have been ratified by duke William on his deathbed, and this failure to confirm by will a compact entered into in life, imperilled, in the opinion of the time, Roger's right to succeed.[4] The count of Sicily was engaged in preparing an expedition against certain Mediterranean

[1] It seems fairly clear from the combined evidence of the interpolator of Romuald and Falco that there were two treaties in 1122, one in February to make an end of Sicilian aggression, and a second a little later to arrange an expedition against Jordan. The interpolator (R.S. p. 417) gives February as the date of the conclusion of peace, but he places the reception by William of 700 knights against Jordan, at the same time. Falco on the other hand knows nothing of a peace in February and puts the complaint of William against Jordan some time after March (F.B. p. 186). Falco is likely to be well informed about the doings of the count of Ariano, and the supposition that there was a second treaty is the more probable, since Falco's account of William's visit to Roger does not suggest that a state of war existed between them at the moment. Moreover the campaign against Jordan began about the middle of June, and since it was undertaken the moment the Sicilian troops arrived, and these were handed over to William immediately the negotiations were concluded, the agreement between Roger and William must have been drawn up some time in May. Consequently the treaty cannot reasonably be identified with the peace of February.

[2] Falco (p. 186) states that the cession of the ducal half of Palermo and Messina and the whole of Calabria was the price paid for 600 troops and 500 ounces of gold which William received in the spring of 1122; Romuald (p. 418) on the other hand distinctly separates the pledging of Calabria from the sale of Palermo. It may be that Falco is in error in attributing what were really distinct concessions to the same occasion, or on the contrary, it is possible that Calabria now passed fully into Roger's hands instead of merely being held in pawn.

[3] R. S. p. 418.

[4] Alexander Telesinus, *De Rebus Gestis Rogerii Siciliae Regis Libri Quatuor*, Lib. I. cap. 4, p. 91, in *Cronisti e Scrittori Sincroni Napoletani*, ed. del Re. Naples, 1845, vol. i.

islands when the news of William's death reached him. The moment for which he had been preparing for years had come, but the circumstances were not wholly favourable, since the suddenness of William's death without a definite recognition of his cousin's right made the task of conquering Apulia more difficult. Roger lost no time in trying to make good his defective title, and at the beginning of August, as has been related already, he reached Salerno and began the great adventure of his life.

CHAPTER II.

DEVELOPMENT OF THE PROVINCIAL ADMINISTRATION.

(1) *Conquest and Reform under Roger II.*

BETWEEN the landing at Salerno, and the Great Court at Ariano in 1140, when the union of Sicily and Southern Italy in a single monarchy was an accomplished fact, more than a dozen years of constant fighting confronted count Roger. In the early period of the struggle he probably failed to realise the length of the contest and the extent of the forces arrayed against him. From the first he must have had a tolerably clear conception of his goal in the formation of a strong South Italian kingdom, and yet he did not conceive of further elements of opposition to his scheme than those with which his interference in Apulian politics had made him familiar; the papacy probably, more certainly the baronage and towns. Nevertheless, as the struggle went on, it involved ever-widening interests, until it became the battle-ground on which the great powers of Europe fought out the problems of political and ecclesiastical theory. Not only the pope, but the pope's champion Bernard, not only the petty nobles and cities of the South, but the Emperors of East and West and the sea-states of the Mediterranean played their parts. In one sense the struggle which began in July 1127 merely meant the reunion of the dominions held by Robert Guiscard, in another, it implied a contest between the universal theocracy that strove to dominate Europe from the eleventh century to the thirteenth, and the lay states organised on national lines that began to appear in the twelfth.

The European aspect of the struggle is for the most part outside the

purpose of the present investigation, which is concerned rather with the effect of the conquest on the internal administration of the country. With Roger conquest and organisation went hand in hand: he determined from the outset to make his power a reality in Apulia, and each stage in the occupation was immediately succeeded by measures for its better government, measures which always bore a definite relation to the precise nature of the hostility directed against him. One of the most interesting features of the history of this period of Roger's reign is the development of his character and methods in a manner corresponding to the development of the forces against him. There is always a definite connexion between the growth of the internal administration and the external events of history.

Another point of considerable interest is presented by the way in which the organisation given to Southern Italy by Roger II. and continued by his successors arrested the development of the country on natural lines. Here, as in Lombardy, there was every sign that a political system of city-states would be worked out through the ordeal of long conflicts between nobles and townsmen. The Norman monarchy put a term to this struggle: the cities were forced back into the position of demesne towns, and genuine city life was killed. Henceforth the feudal element was to be far stronger than the civic element in the kingdom.

1127–1130. *The Union of Apulia, Calabria and Sicily.*—The first period in the conquest and organisation of Apulia extends from the death of duke William in 1127 to the death of pope Honorius in 1130. It is marked by the agreement at Benevento which defined the relations of the new duke of Apulia to the papacy on the one hand, and to the principality of Capua on the other, and by the Great Court held at Melfi which laid down Roger's conception of government and the rights and duties of sovereign and subject. These two measures resulted from the necessity of establishing a *modus vivendi* between the duke and the various elements of opposition. His claim to the duchy of Apulia was met by the formation under the leadership of Honorius II. of a league of his new subjects, the barons and towns of Apulia and the Terra Beneventana, with his natural rival, the prince of Capua. Hitherto their interests had been contradictory: now Roger's appearance, not merely as the supporter of his cousin, but as his would-be successor, united all against him.

So far as the barons and towns were concerned, the coronation of Roger as prince of Salerno and duke of Apulia did not create any new legal situation. In theory he simply stepped into the place of duke William as their lord. Consequently he inherited the same restless but unorganised opposition that had darkened William's life and broke out with fresh vigour at his death. For the moment indeed Roger's vigorous action in winning over Rainulf of Alife and the ducal towns paralysed the revolt, but at the same time it emphasised the practical change that had taken place in the situation. Men like Jordan of Ariano, who had, moreover, good cause of their own to remember the effectiveness of Roger's troops, can have thought no effort too great to prevent the resolute count of Sicily setting himself up as duke. This practical aspect of affairs was perceived not only by the barons and towns in the central regions that still nominally acknowledged the duke's authority, but also in the independent principalities of Bari and Taranto. A leader appeared in Honorius II. The Sicilian claim seriously modified the relations existing between the Norman states and the papacy, and Honorius persistently refused to admit it. The previous intercourse between Roger and the Holy See had been, as we have seen, far from cordial, and Honorius knew enough of the young count's character and record to feel sure that his success in the duchy would prove the death-blow to the preponderance of the papacy in the South. The union of Apulia with Sicily and Calabria would destroy the balance of power and no longer would the counts of Salerno and Capua neutralise each other. Robert II. of Capua, who had just succeeded to the principality, was no less sensible of the menace to his power and was eagerly ready to support the pope.

The First South-Italian Coalition, 1127–1129.

The papal call to arms was answered, during the autumn and winter of 1127, in the principality of Capua by Robert himself and his vassal for certain lands, Rainulf of Alife, Roger's own brother-in-law; in Apulia by Roger of Ariano, Jordan's successor, by the town of Troia under its bishop, and by the barons of the South, Grimoald of Bari, Tancred of Conversano and his brothers, and Geoffrey of Andria. The league did not long hold together: owing to its division into a northern and southern group, there were now, as always throughout the conquest, two theatres of war, and although Roger was obliged to undertake double campaigns, the failure of the confederates to act in concert was not the least cause of their defeat.

The Treaty of Benevento with Honorius II., 1128.

By August 1128, after a thoroughly unsuccessful campaign, the pope, unsupported by the coalition he had created, saw himself forced to an agreement with Roger, which was, he hoped, of the nature of a compromise. He withdrew the sentence of excommunication he had pronounced and granted investiture of the duchy with the homage of the principality of Capua: the duke for his part took the oath of fidelity and did homage to the pope, promising at the same time to respect the integrity of the principality.[1] The balance of success undoubtedly lay with Roger: he had regularised his conquests and had won recognition of his claim in the eyes of the world; the Apulian barons in arms at the moment became henceforth mere rebels. But the treaty of Benevento stood for more than the immediate advantage: it sketched out the general relation that the new South Italian state was to bear to the papacy. By acknowledging at the outset the rights of the Holy See as suzerain Roger gave up any intention of attaining absolute independence. The pope on his side was compelled to acknowledge Roger's position on the mainland, but by the stipulation concerning Capua, he hoped still to preserve some sort of counterpoise to the Sicilian-Apulian power. The loyalty with which Roger strove to obey this clause of his oath is worthy of attention: only when he was absolutely forced by the action of the prince himself did he take the principality into his own hand.

The Great Court at Melfi 1129.

After this settlement with Honorius Roger had now to adjust his relations towards his subjects. In spite of the defection of the pope the rebels continued the struggle, and it was not till after a vigorous campaign in 1129, that their resistance was broken. Once submission was secured, Roger adopted an attitude of conciliation: the lands lost by the Apulian counts during the fight were restored, the counties remained in the hands of their old possessors, and Grimoald kept the city of Bari. Towards the towns, too, Roger stayed his hand for the moment: he hoped to restore peace and justice rather by broad measures on which his power should be established legally than by acts of repression against the rebels. So far, his reign had not improved the condition of utter misery that was the fate of the defenceless classes of the community: rather indeed had matters grown worse, since revolt and its attendant evils had spread over all the regions of the country. Every campaign, every skirmish meant that the villages were given over to fire and pillage, olive trees were cut down and vines

[1] Caspar *Regesten* in *Roger II.* p. 501.

grubbed up and newly-sown cornlands ploughed over, till the wonder was that anything was left to burn or to waste. The chroniclers of the time grow eloquent in describing the horrors moral and physical of their day.[1] The cause of the evil lay plainly enough in the contempt for the ducal authority throughout the country. Roger must show that he meant to be master in the duchy if the blessings of peace and justice were to be secured. To this end, he summoned to Melfi in September 1129 a great provincial assembly, and there he promulgated an extensive peace edict. It was the first of the great courts which mark the most important undertakings of the reign up to 1140: after this date we have comparatively little information about these gatherings, although the holding of a solemn *curia* is often recorded. The court at Melfi was attended by the counts, bishops and abbots of all Apulia and Calabria: perhaps representatives of the ducal towns also attended, but of that we know nothing. An oath of fidelity to the duke and his sons Roger and Tancred was imposed on all the counts, and they were forced to swear adhesion to a ducal edict, ordering the cessation of private war between members of the knightly class, and the promulgation of a perpetual and universal peace. The oath bound them henceforth to maintain peace and justice; not to shelter men who had committed larceny and rapine on the ducal lands nor to approve their deeds; to give up malefactors to the justice of the duke's court wherever he should establish it; and to observe and keep the peace towards all the non-knightly classes throughout his dominions, ecclesiastics, labourers, villeins and the whole population, together with their property, as well as towards pilgrims, travellers and merchants.[2]

[1] Cf. A. T. Lib. I. Praefatio, p. 28.

[2] Descriptions of the measures taken at Melfi are supplied by Alexander of Telese and the interpolator of Romuald of Salerno, who emphasise different aspects of the peace, thus supplementing each other's account. A. T. Lib. I. cap. xxi. pp. 99, 100. *His quoque peractis Dux Melfiam properans, cunctos Apuliae Optimates ad se convenire jussit, quibus etiam inter caetera edictum dedit, ut in pace permanentes alterutrum non adversarentur. Simulque eos jurare compulit: ut ab ipsa hora, et in antea iustitiam, et pacem tenerent, et adjuvarent tenere, nec manu tenerent homines, qui latrocinium, aut rapinam facerent in terris suis, nec esse consentirent. Et si aliquis ibi hujusmodi malefactor reperiretur, sine fraude, curiae suae, in loco a se constituto, ut justitia ex eo fieret, praesentarent, et quod Ecclesiasticis personis, et rebus earum, videlicet Archiepiscopis, Episcopis, Abbatibus, Monachis, omnibusque Clericis, laboratoribus, villanis, et cuncto populo terrae suae dominationis cum rebus eorum, nec non peregrinis, viatoribus, mercatoribus pacem tenerent, et observarent, nec eos inquietarent, nec inquietari ad suum posse permitterent. . . . Cum ergo ibi Dux aliquandiu moratus haec, et his similia ad commune proficuum disposuisset. . . . Tarentum ipse regreditur. . . .*

R. S. p. 419 *Anno ab incarnatione Domini* 1130, *indictione* 9. *mense Septembris* (1129) *dux*

The true significance and importance of the measures taken at the Great Court at Melfi in 1129 have only recently received the emphasis they deserve. In essence and in form they were neither more nor less than a landpeace and consequently they belonged to a system which had been evolved in western Europe for the maintenance of order in an age of anarchy. Southern Italy and Sicily had not remained unaffected by the institution, and in making the promulgation of a General Peace the basis of the restoration of law and justice, Roger introduced no innovation, but rather linked his government to methods already well-known. Nevertheless certain important modifications appeared in the Peace of Melfi which laid the foundations for the reform of the administration as well as for the introduction of a penal code.

The Conception of the Pax Ducis as the basis of Administrative Reform.

Fully to understand the bearing of Roger's action at Melfi and the conception of the *pax ducis*, it is needful to go back and explain the growth of the peace movement in South Italy and Sicily.[1] At the end of the eleventh and the beginning of the twelfth centuries these regions had not remained strangers to the peace movement permeating western Europe. Differing as the two portions of the Norman conquests did in so many respects, we should expect that the institution of the peace would take different forms in Sicily and on the mainland. Sicily seems to have followed the model of the secular peaces of the period: some time between 1091 and 1094 the Great Count promulgated a peace, but we know nothing of its provisions except that it was a perpetual peace, for he describes his act with the words *pacem posui continuam*. In other words, all seasons were equally sacred and the peace was to last for ever, not merely for a term of years. We have no means of knowing whether it was universal or whether only certain classes of persons were protected. To judge from the analogy of the Great Peace of Melfi, it was probably of general application.

itaque Rogerius postquam omnes Apulie civitates suo subiugavit dominio . . . venit Melfim fecitque ibidem congregari omnes comites Calabrie, Apulie, Salentine [Salerni?] *Brizie et Lucanie, Campanie, etiam episcopos, et abbates; iussitque omnibus comitibus ut sibi filiisque suis id est Rogerio et Tancredo omni tempore fideles essent et obedirent suis preceptis, nec in terris eorum furta et latrocinia sinerent esse nec consentirent. Et his omnibus prescriptis sacramento firmatis mense Octubris reversus est in Siciliam.*

[1] Niese, *Die Gesetzgebung der Normannischen Dynastie im Regnum Siciliae*, Halle A. S. 1910.

I am indebted in the following pages on the development of peace institutions and their adoption by Roger II as the starting point of his legislation and administration, to this suggestive study—especially to Kapitel II, Der Reichslandfriede, pp. 19–36.

In Apulia on the contrary, the central power was too weak to enforce a secular peace, and only the truce of God, frequently renewed, is known to have preceded the conquest of Roger II. Urban II. at Melfi in 1089 and at Troia in 1093 promulgated the truce of God. His example was followed by Pascal II. in 1115 and by Calixtus II. in 1120,[1] both of whom held councils at Troia at which the *treuga Dei* was sworn by the assembled magnates. The truce of 1115 is specially interesting because it marks a distinct advance on previous efforts. It was sworn by count Jordan of Ariano, by the count of Loritello and by other barons of Apulia, and instead of protecting certain days and seasons only, it was to protect every day of the year for three years. That the truce thus sworn was to a considerable extent observed, may be inferred from the fact that no outbreak of count Jordan is recorded till after the expiry of the three years. The spring of 1119 however was marked by the *guerra* that began again between the count and Rainulf of Alife,[2] and it is interesting to notice the efforts made, in the absence of Calixtus II. beyond the Alps, by the archbishop of Benevento and the papal rector of the city to oppose some barrier to the outburst of anarchy. A synod held at Benevento endeavoured to protect the merchants travelling to and from the city by an anathema pronounced against all who molested them,[3] and in 1120 the cardinal and the archbishop-elect arranged a truce between Jordan and Rainulf, from the month of May till the following August, in which truce Benevento was included.[4] Before the term of the truce had expired, Calixtus had reached Benevento, and in August he promulgated a fresh peace at Troia in the presence of duke William, count Robert of Loritello, and count Richard of Andria, but of the provisions of this peace no details have been preserved. The efforts of Calixtus are nevertheless important since they brought the pope into contact with Roger of Sicily. Immediately after the truce was proclaimed at Troia, Calixtus hastened to Salerno to confirm a treaty made between duke William and his cousin. In this way, the peace movement was directly forced on Roger's attention, and his edict at Melfi in 1129 bears, in form, a close resemblance to the papal measures that preceded it, besides recalling certain features of the secular peaces of northern Europe.

On analysing the accounts given by the chroniclers of the assembly at Melfi, it becomes apparent that a threefold oath was forced on the magnates

[1] Niese does not mention this truce arranged by Calixtus. cf. Chalandon i. 321.
[2] F. B. p. 176. [3] F. B. p. 176. [4] *Ibid.* p. 180.

of Apulia and Calabria: they swore fealty and obedience to the duke and his sons; they swore, too, to obey a ducal edict which forbade private war between members of the knightly class—the *guerra* which fills such a large part in contemporary annals; and finally they swore the oath common to all peaces of the period, to observe peace and justice, to abstain from aiding and abetting theft and robbery, and from molesting all ecclesiastics, labourers, villeins, merchants, and travellers.

Although this last oath has something of the nature of a well-worn formula, nevertheless even here an advance on the truce sworn at Troia in 1115 may be observed. Then the safety of the non-knightly classes was only guaranteed for three years, now, in Apulia as in Sicily, there will be a perpetual peace, for the oath binds the feudatories henceforth from the moment of taking it. Of far greater significance, however, than this advance are the other obligations forced on the magnates by the duke at Melfi. The oath of fidelity taken by all the counts[1] was the keystone of Roger's reforms: while nothing was ostensibly changed in their powers and possessions, it struck directly at the independence of those counts who held their lands and privileges only by the grace of God, and it prepared the way for the extended theory of treason which was peculiar, in the twelfth century, to the Sicilian monarchy. At every fresh stage in the conquest it will be seen the oath of fidelity was imposed, and not only on the magnates but on all classes of the community, or at least on all free classes, and in one instance the very form of the oath has been preserved. One more aspect of the oath of fidelity imposed at Melfi must be observed: not only do the counts promise to be faithful to the duke but in the same breath they promise to obey his precepts—that is, the edict against *guerra*, as well as the prohibition of theft and other crimes. In this way, a special connexion reminiscent of Anglo-Norman usage is established between the lord's peace and the oath of fidelity.[2] In Southern Italy, as in England and Normandy, a breach of the peace will henceforth be construed as a breach of the feudal bond, and crimes of violence will be punished as felonies.

The edict of the duke forbidding private war between the barons

[1] The interpolator of Romuald of Salerno (p. 419) alone mentions the oath of fidelity, while Alexander of Telese, who gives a fuller account of the peace in other respects, omits it altogether.

[2] Niese, *Gesetzgebung*, does not seem to have noticed this identification of the oath of fidelit with the provisions of the Peace at Melfi.

themselves was a step of immense importance. Heretofore the prohibition of attacks on the non-knightly classes had given a tacit acknowledgment of the right of feud claimed by the baronage. Now Roger abolished it in one brief sentence—an achievement only equalled in contemporary Europe in England and Normandy. The exact terms of the edict have not been preserved by the chroniclers, but it is not improbable that certain phrases have been embodied in one of the later Assizes of the Kingdom.[1]

The net result of the peace of Melfi was to enhance the power of the duke and to put the responsibility for the maintenance of law and order into his hands. The old *treuga Dei* which was established by a voluntary oath gave the enforcement of the peace to the *conjuratores*. Now, however, that Roger had compelled the barons to swear obedience to his edict, the peace became his peace, and the punishment of its breach lay in his hands. A legal basis was provided for the new conception of the ducal power, and the peace not only contained in the 'precepts' the beginning of the penal code, but it became as well the starting-point of a thorough reorganisation of the government, because the exercise of the legislative power carried with it the duty of seeing that the laws were obeyed throughout the country. In 1129 almost all the machinery of a strong administration was wanting, and Roger did not as yet introduce any change in the actual working of the state. Nevertheless in the peace itself there are not wanting signs of coming changes. The reference to the duke's court as the proper means of punishing thieves and robbers shows that already it was part of Roger's scheme to make his justice a reality, although there is nothing whatever to suggest that he had then undertaken the remodelling of the judicial system. Again the association of his sons Roger and Tancred with himself in the oath of fidelity may have been merely intended to ensure their succession, but it may also indicate that the plan of governing the mainland through the princes was already developing in Roger's mind. Although admini-

[1] *Codice Vaticano*, ed. F. Brandileone in *Il Diritto Romano nelle Leggi Normanne e Sueve del Regno di Sicilia*. Turin, etc., 1884, p. 113, No. xxxi. *Si providentia regie celsitudinis nullo modo patitur inter regni nostri limitem baronum nostrorum quemlibet alterius castrum invadere, predas committere, cum armis insurgere vel inique fraudari.* Niese (p. 26) would make only the first of these prohibitions *alterius castrum invadere* apply to the barons, while the others, *predas committere, cum armis insurgere, vel inique fraudari*, are of equal application to all classes of the community. Consequently he argues that carrying of arms and pillage were forbidden to all classes. While admitting that these crimes were not specially reserved to the knightly classes, I cannot agree to the distinction which Niese here makes; the *quemlibet baronum nostrorum* is the subject equally of all the co-ordinate clauses, and the whole passage does no more than describe a baronial feud.

strative changes were as yet seen only in germ in the Peace, Roger at once began to vindicate in practice his legal rights towards the barons and towns. He did not at this time attempt to alter anything in the position of the feudatories as a class, but the banishment of Robert of Grantmesnil illustrates his policy of compelling individuals to acknowledge the obligations towards their suzerain, imposed by the oath of fealty.[1] Soon after the struggle with Robert, the duke turned against the cities, and as early as the spring of 1130 he set on foot an organised plan of getting all the castles of the ducal towns into his own hands. His first footing at Salerno had been won by leaving the Torre Maggiore in the control of the citizens. Now he suddenly appeared in arms before the walls, laid siege to the city, and against his sworn promise, forced the Salernitans to give up the fortress. His oath gave him small scruple and he was not troubled with Roger Borsa's sentimental desire to conciliate the Lombards. At a later period the same policy was pursued towards Amalfi, and the men of Troia and Melfi were forced to rebuild the castles which they had destroyed on duke William's death.

The achievement of the period 1127–1130 was the restoration of the duchy of Apulia as it existed at the death of Guiscard, since Boamund's possessions were added once more to the ducal dominions. The duchy thus restored was united with the Calabrian and Sicilian lands, while Capua and Naples were bound by ties of fealty: the papacy had, moreover, recognised the new order. In all outward seeming Roger was master of his fate, and a thorough basis for the ducal authority had been established. Nevertheless there was something suspicious in the ease with which he had succeeded. Nothing was practically altered, and favourable external circumstances soon disclosed the discontent which the feverish seizure of the castles had generated. Roger had perhaps shown his hand too soon.

[1] A.T. Lib. I. capp. xvii. xx. xxi. xxii. Robert was a Calabrian vassal who fought under Roger's banner against the Apulian counts and not one of the rebels. During the war, at the siege of Montalto, Robert demanded permission to leave the army and re-cross the Alps, because his fief was not sufficient to support so long a military service. In spite of Roger's promise to increase his fief when Apulia should be conquered, Robert left the army in haste and anger. Later in the same campaign the duke reproached him in the presence of all for his conduct and gave him formal leave to return to his kinsmen beyond the Alps, on condition that he first restored his fief into the duke's hands. Still he delayed to go, and after the Great Court at Melfi, Roger made him swear to leave Apulia. Even this did not bring Robert of Grantmesnil to submission, and a regular campaign was needed to make him give up the castles which he had fortified against the duke.

1130–1135. *The establishment of the monarchy and the organisation of the provinces.*—The second period in the conquest of the mainland begins with the double papal election of Anaclete II. and Innocent II. in 1130, and ends in 1135 with the defeat of the Pisan fleet and the organisation of provincial government. The great event in constitutional history is the realisation of Roger's dream of transforming his dominions into a kingdom. The royal style in the early years of the reign *Sicilie Apulie et Calabrie rex*, as well as the final form, *rex Sicilie ducatus Apulie et principatus Capue*, show that Sicily was to be the predominant partner, and Palermo was to be the seat of the government; consequently the duchy of Apulia and the principality of Capua sank to a secondary position, and the original Norman states became mere provinces of the new political unity. During these five years Roger's scheme of government showed the necessary growth, and in the measures adopted in 1133 and 1135 a new departure was made in the administration of Apulia and Capua. In the political sphere the period is characterised by the fresh support accorded to rebellion owing to the schism in the papacy, and by the introduction of the first external elements in the struggle. The papal dispute was an European question; and since Roger was inevitably forced to take a side in the contest, south Italian affairs began to be of European importance. The first signs of the wider interests involved are shown in the alliance of the rebels with Pisa and their negotiations with the emperor Lothar. This second period is, moreover, the period in which the influence of the towns makes itself felt, and the full force of the movement towards municipal freedom is perceived.

The adoption of the royal title in relation to the papacy and the South Italian magnates.

St. Bernard, who played the arbiter of Europe, greeted Innocent II. as the rightful successor of St. Peter, and Anaclete II. was branded as an anti-pope. All Europe with the exception of Roger and the city of Rome followed St. Bernard's lead. Personal friendship and policy alike bound the duke to Anaclete, and the event justified the wisdom of placing the growing Sicilian-Apulian state on the side of the anti-pope. Roger's action really laid the foundations of his ultimate success, and enabled him to adopt the name of king with all the legality an anti-pope could bestow, at a far earlier period than he could otherwise have taken this step. The royalist chronicler represents it as the natural result of the conquests of Roger. Since he held the whole duchy and all the lands of Boamund, and since Capua and Naples were subject to him, the mere title of duke did

not represent the actual state of affairs. But however well the name of king would match the facts, such a step involved a fresh adjustment of relations with the papacy and with the duke's subjects. Matters were first arranged with the papacy; and a Bull was issued at Benevento in September 1130. By this second treaty of Benevento Roger together with his son Roger and his other sons received the crown of Sicily, Calabria, and Apulia, comprising in this expression all the districts which the dukes of Apulia had held of the Holy See, and in return he promised homage and fealty and the annual payment of 600 schifati. Sicily was to be the head of the kingdom, and besides the hereditary dominions Anaclete granted further the principality of Capua, the honour of Naples, and the assistance in time of war of the men of Benevento.[1] Thus the careful stipulation of Honorius about Capua was swept away: not only was Roger to be the sole Norman sovereign, but the monarchy was made hereditary.

Neither Alexander of Telese nor Romuald of Salerno, who desired to emphasise the national aspect of the change, so much as mentions the share of Anaclete, and it is probable that the question had not gone beyond the inner circle of the duke's council until the Bull had been issued. Secure in the papal consent he made a show of consulting the magnates in an assembly at Salerno, consisting of some of the most able ecclesiastics and certain of the princes, counts, and barons, and other trusted persons who were best suited to discuss the matter. The use of the term *probatiores viri* suggests that representatives of the cities were present, but the gathering seems to have been a restricted one and not a general assembly like the Great Court at Melfi. However this may be, Roger had made use of a provincial assembly twice within a space of little more than a year. At the ensuing Christmas feast, a solemn coronation at Palermo inaugurated the new kingdom, and soon after the king had the satisfaction of receiving the submission of Sergius of Naples. All the lands granted by Anaclete were now subject to him.

The second South Italian coalition, 1131–1135.

Nevertheless, despite this outward achievement during 1131 and 1132, the baronial league of 1127 was gradually reconstituted in answer to the challenge thrown down by the adoption of the royal title. Rebellion was once more made legitimate, since Innocent II. naturally gave his support against the vassal of Anaclete. Grimoald of Bari, Tancred of

[1] Caspar, *Reg.* No. 65.

Conversano, and Geoffrey of Andria, who can have had little liking for the new order of things, were ready first in 1131; in 1132, the league was joined by Rainulf of Alife, who brought with him Robert of Capua and Sergius of Naples, and by the city of Benevento; in 1133, most of the Apulian towns, Venosa, Ascoli, Melfi, Bisceglie, Trani, and many more, threw in their lot with the rebels. Rainulf's reasons for attacking the king throw some light on Roger's policy of vindicating his rights as suzerain. Two of Rainulf's castles in the duchy, Avellino and Mercogliano, which were in the possession of his brother Richard, were claimed by the king, because Richard had boasted that he held them of no lord, and Rainulf had stood by in silence, thus seeming to confirm the assertion. Richard, backed by Rainulf, refused to surrender the castles and Roger seized them by force. Matters were aggravated by the complaints of the countess Matilda that her husband witheld her dowry of the Valle Caudina. She took refuge in the camp of her brother the king, and Rainulf added to his former grounds of hostility this further grievance that Roger refused to compel his wife to return to him. There were again two theatres of war, the one in the southern regions of Apulia and the other, not only as before in the Terra Beneventana, but also in the principality of Capua, now for the first time occupied by the king. Separate campaigns were carried on, and though events in the two districts reacted on each other, their subjugation occurred at different times. In both cases however the work of conquest had to be undertaken twice over within the space of a year and the subsequent reorganisation of the government begun afresh.

First Settlement of Apulia, 1132.

In Apulia after a short campaign the first period in the war came to an end in the early summer of 1132 with the capture of Bari. Roger's attitude on the whole was one of moderation, and yet it departed from the policy of 1129, since definite changes were introduced for the first time both in the principality and city of Bari, and in the neighbouring counties. The one act of real severity was the imprisonment of Grimoald, who had broken his oath of fidelity. With his deposition the history of the semi-independent principality of Bari comes to an end; for the moment Roger took the administration into his own hands, but in the treaty drawn up with the citizens,[1] there is a reference to the future government in the stipulation that the privileges of the town should hold good, even though the king should grant the city to Tancred or any other of his

[1] Caspar, *Reg.* No. 77.

sons. Here is the first definite suggestion of the policy pursued throughout the reign of maintaining the older dynastic and political divisions of the kingdom as provincial units of government under the king's sons. The counts Geoffrey of Andria and Tancred of Conversano, rather than take the risk of answering the summons to appear in the king's court on a charge of conspiracy, relinquished their lands into Roger's hands. Tancred indeed received 20 schifati for Brindisi and his other possessions on condition that he left the country. The arrangement has a good deal of the nature of a bargain about it, and Tancred was employed with other barons to negotiate the treaty with the citizens of Bari. This *pactum* shows a slight modification of the repressive action of 1130, since the king engaged not to rebuild the citadel inside the city: outside the walls however a new fortress at once began to rise. For the rest, while the citizens are granted the enjoyment of extensive privileges, the clauses regulating the appointment of the archbishop and the city judges are calculated to ensure the political subordination of the city.

Second Settlement of Apulia, 1133.

This first settlement was almost as brief as the campaign which preceded it, for the second period of the war began in Apulia in the autumn of the same year, and was only brought to an end late in 1133. Tancred of Conversano and his brother Alexander, as well as Geoffrey of Andria, all of whom had but just made their peace with the king, were again the leaders of revolt and they were joined by most of the Apulian towns, including Bari. When the king once more got the upper hand the measures he adopted were very different from those of 1129 or even of 1132. Savage retribution overtook the rebel counts and cities, and a drastic reform of the administration probably followed. Revolt after revolt had worn out the patience of the king. On hearing of the fresh rising he had sworn never to spare count nor magnate nor simple knight who conspired against him. Geoffrey of Andria and Robert and Geoffrey the sons of Alexander went to expiate their sins in a Sicilian prison. Alexander saved himself by timely flight, only to spend years in miserable exile. Tancred was condemned to suffer the extreme penalty for the breach of the oath of fealty, but his sentence was commuted to imprisonment. Roger of Plenco, one of his most faithful adherents, was not so fortunate and he suffered 'a horrible death by hanging.'

This severity towards the barons was followed by a punishment of the towns so pitiless that they ran some risk of total annihilation. Venosa was

burnt early in the war and the inhabitants treated with unimagined cruelty; the walls of Bisceglie were rased; Trani was wasted by fire and sword and its fortifications destroyed. At Bari the inhabitants were forced to rebuild the citadel, the work of the hated Saracen garrison, which they had torn down but a few months before. Troia seems to have taken no active part in the war, and yet the judges were hanged, the walls broken down and the inhabitants forced to find in the neighbouring villages a refuge from the burning town. Similar fates overtook Melfi and Ascoli, and the king even thought of withdrawing the municipal privileges of Amalfi and the faithful Salerno. Everywhere the same policy of breaking the effective power of the towns as centres of revolt was pursued.

At the same time a constructive organisation seems to have followed immediately the work of destruction. No details of the measures taken for the government of Apulia have been preserved to us, but it is probable that during the winter of 1133–4 something closely resembling the scheme of government introduced at Capua in 1135 was inaugurated in the south. It is certain that by this time Roger the eldest of the king's sons bore the title of duke of Apulia, and probable that Tancred the second son had received Boamund's inheritance with the title at first of prince of Bari, and later of prince of Taranto. Fresh arrangements, too, were made for the administration of the Apulian counties, for the count of Conversano was in exile and the count of Andria in prison. As early as April 1134, we know that Robert of Basunville, the husband of king Roger's sister Judith, was count of Conversano and Molfetta, but unfortunately nothing is heard of the county of Andria till after Roger's death. The suggestion may be hazarded that a further step in the reorganisation of the country was taken, and that justiciars and chamberlains were established at this time in Apulia, thus preceding by eighteen months their appearance in the principality of Capua in 1135, the date which is commonly regarded as the earliest moment of their introduction in the newly conquered regions. Unfortunately there is no documentary evidence extant for their activity in the south before 1136, but on the analogy of the proceedings at Capua, it would seem that the investiture of the princes and the institution of new counts should be accompanied by the establishment of new royal officers.

First Settlement of Capua, 1134.

The operations against Robert of Capua, Rainulf of Alife, and their allies, in the northern theatre of war were more protracted than the campaigns in the south: there was less rapidity of action since the conduct of Roger

and of his opponents was complicated by the presence of Lothar and Innocent in Rome, and by the relations with Pisa and Genoa. Much time was spent on both sides in negotiation. Robert on the one hand endeavoured to obtain the restitution of Rainulf's wife and castles, and Roger on the other tried his hardest to induce Robert to advance to the assistance of Anaclete, or at least to allow him to march through the principality to Rome. In 1132 Roger received a severe defeat at the Scafati, and it was not till after the departure of Lothar and the settlement of Apulia that he succeeded in making himself master, in 1134, of the principality of Capua, when Robert was away at Pisa. The king's policy after the war was studiously moderate alike towards Rainulf and the other counts and towards Robert of Capua. He does not seem to have contemplated the incorporation of the principality with his other dominions, for he offered Robert the choice of two alternatives which, if accepted, would have ensured the integrity of the state.[1]

The apparently excessive reluctance at this time to make any constitutional change in the position of Capua must be attributed partly to the embarrassment still caused by external events, and partly to a genuine respect for the legal rights of the prince. Robert however refused to take advantage of the terms offered, and an arrangement, probably at first intended to be temporary, was made, by which the chancellor Guarin and the admiral John were left in charge of the government and defence of the principality.[2] Guarin was a man remarkable alike for his learning and his knowledge of affairs: his activities were chiefly confined to the mainland and until his death in 1137 he was practically the viceroy in the principality. In this way the custom grew up which gave the general superintendence of the government of Capua to the chancellors.

Second Settlement of Capua, 1135.

The king had only won a breathing space and in the winter of 1134–5 the confederation re-formed, and consisted as before of Robert, Rainulf, and Sergius, with the important addition of Pisa. By the autumn of 1135 the king had made himself once more master of the country. This time there was no forbearance and no half-measures, and immediate steps were taken to build up a new system of government. In September the principality was incorporated in the kingdom and ceased henceforth to be a semi-independent state. The region did not, however, lose its identity, for Roger, following up the policy pursued towards Apulia and Taranto,

[1] A. T. Lib. II. cap. lxiv. p. 126.

[2] A. T. Lib. III. cap. iii. p. 130.

invested his third son Anfusus as prince of Capua, and all the magnates of the principality in a great assembly swore fealty to the new prince. This assembly at Capua shows all the essential features which marked the Great Court at Melfi as the starting point of a new theory and practice of government. The description of the Capuan assembly is very brief,[1] but the oath of fealty was undoubtedly imposed, and it would seem that a General Peace for the principality was promulgated on the lines of the Peace of Melfi, which only applied to Apulia and Calabria. In the closest connexion with the idea of the Peace is the establishment of the new royal officials as its guardians; the suggestion has been made above that justiciars had been introduced into Apulia more than a year earlier, but however that may be, they are here definitely described; and by their side appeared the first chamberlain, charged with the administration of the royal demesne.[2] An advance had been made on the situation created at Melfi: there the Peace had been established, but no special machinery was provided for carrying it into effect.

Military organisation, too, was not neglected at this period, and it is possible to see in the grouping of knights round Cajazzo with houses in the city[3] an early instance of the system which gave the defence of the more important fortresses to a body of knights under a special constable. The plan had already been adopted in 1132 at Montefusco, where the constable was charged with defending royal interests against the Beneventans.[4] There is no trace as yet of the other type of constable, under whom all the lesser tenants-in-chief of a wide district, known as a constabulary, were ordered. A temporary device was, however, set up, which gave the command of the troops in the Terra di Lavoro for successive periods of two months each, to the king's son-in-law count Adam, count Robert of Boiano, and count Simon of Monte S. Angelo. There seem to have been changes too in the counties: Rainulf of Alife's lands

[1] *Calendar of Documents*, No. 1 and A. T. Lib. III. cap. xxxi. p. 144.

[2] *Ibid.*; *Cal.* Nos. 3 and 4.

[3] A. T. Lib. III. cap. xxx. p. 143.

[4] F. B. p. 216: the constables of Montefusco are further mentioned at intervals in documents throughout the period of the monarchy; the first instance is found in a donation of Nov. 1137, in which the name of Pain, the royal constable of Montefusco, appears (State Archives Naples, Pergamene di Monte Vergine, vol. lxxxiii. No. 24). Constables were also established at Naples, and the knights of Naples were specially privileged by Roger II. (F.B. p. 252). The knights of Taranto, Venosa, S. Agata, Bovino, Ascoli, Giffoni, Montecorvino, Tocco, Arce, Sora, and Aquino are mentioned in the Catalogue of the Barons, and it is probable that they were placed under a constable, but of this there does not seem to be any definite evidence.

were confiscated, and Hugh of Boiano's county was forfeited and given to Robert, son of Richard. At the same time Adam, the king's son-in-law, succeeded a certain count Alexander, who has been identified with Alexander of Matera, the brother of Tancred of Conversano.

At the close of the year 1135 Roger was in peaceful possession of all the lands and honours, except Naples, which had been granted by Anaclete four years before. He had made the monarchy a reality and had sketched in the general lines of provincial government. A parallel development in the methods employed may be observed in both regions of the mainland. This development was striking in its orderly sequence and in its rapid adjustment to circumstances. During the following winter and spring the new officials, justiciars and chamberlains, can be seen at work, but the tranquillity was of short duration, and a fresh storm was gathering beyond the Alps.

1136–1140. *The Third South Italian Coalition and the European League.*—The third period in the history of the conquest begins with the formation in 1136 of a European coalition in league with the internal opposition, and ends with the final victory of the king, the adjustment once again of relations with the papacy, and the edicts for the good government of the provinces issued at the Great Court at Ariano in 1140.

The year 1137 marks the lowest point in Roger's fortunes: he had the bitterness of seeing the greater part of his dominions over-run by a foreign foe and the new institutions which he had established in great measure swept aside. This last effort to dislodge Roger II. from the South Italian mainland—like the first, ten years before—was organised by the papacy. Innocent II. obtained the promise of the emperor Lothar to invade the dominions of Roger; the eastern emperor John Comnenus and the ambassadors of Venice, jealous of his control of the Mediterranean, offered help, and the rich presents of Byzantium won once again the support of Pisa. This formidable coalition of the greatest European powers was joined by all the old elements of disruption within the kingdom. Robert of Capua came with the invading army to win his old principality afresh. Naples still held out against the king, and many of the counts of the northern and central regions, notably William of Loritello and Roger of Ariano, went over to the emperor, who advanced by the Adriatic route accompanied by Rainulf of Alife.

The measures of Roger II. for the defence of the kingdom: the constables.

The measures taken by Roger for the defence of the kingdom are important for the development of institutions, since they show a continuity with the general scheme of provincial organisation. In the principality the command was again committed to the chancellors. Guarin held the post till his death in 1137, and with him was associated the chamberlain Jocelin. Robert of Selby succeeded Guarin at the chancery and he too assumed control in Capua, till the royal forces were dislodged by the papal and imperial army, and he was forced to retreat to Salerno. The king paid great attention to the defences of the fortresses throughout the country, and in Apulia the existence of special officers at the head of the local forces can be traced to the year 1137. When the system was complete the country was mapped out into districts called constabularies and the lesser tenants-in-chief of each district were grouped under the command of the constable of the region. That this plan was inaugurated as part of the preparations to meet the German invasion may be surmised from an incident which befell the abbot-elect of Monte Cassino on his way to meet the emperor at Lagopesole in July. In passing through the Terra Beneventana, the abbot narrowly escaped being delivered by the inhabitants of Guardia Lombardi into the hands of Gilbert of Balbano and Robert of Morra who were commanding the king's army.[1] Gilbert, we know from the Catalogue of the Barons,[2] was the constable of this region at a later period, and the fact that Robert of Morra was also a local feudatory makes it sufficiently probable that these were the constables in command of the militia of the district. In the principality of Salerno, too, it may well be that the same system was already established, for the imperial forces marching from the south on Salerno were held up by Roger's troops—in all probability the local feudal levy. Roger's policy of organising local defence and making every castle and fortified town a centre of resistance no doubt contributed to the defeat of the invaders. The emperor never thoroughly secured the country he occupied, and his final success was rendered impossible by the unwieldy nature of the coalition. The Pisans, finding that they gained nothing for themselves

[1] *Chronica Monasterii Casinensis Auctore Petro Diacono*, ed. W. Wattenbach, Lib. III. p. 820, M.G.H.SS. vii. Hanover, 1846.

[2] *Catalogus Baronum* in *Cronisti e Scrittori Sincroni Napoletani*, ed. Del Re. Naples, 1845, i. pp. 589 *seq.*, Art. 694 *seq.* (The numbers of the articles are taken from Fimiani's edition in *Commentariolus de subfeudis.*) Cf. *infra* p. 338–41 for the discussion of the date and circumstances of the compilation of the Catalogue.

from the war, made peace on their own account, and their fleet sailed away home. The German troops were tired of the prolonged campaign and practically forced the emperor to begin the homeward march.

The organisation given by Lothar and Innocent.

Faced as he was under these circumstances with the necessity of leaving a task but half-accomplished, Lothar tried to provide for the organisation of the regions he had invaded as well as the difficulty of the circumstances allowed. Capua had of course returned to the allegiance of its former prince, and Apulia was now committed by a joint papal and imperial investiture to Rainulf of Alife. In this way Innocent achieved for the moment the old papal aim of separating the Norman dominions. Superficially the situation resembled the state of affairs at the death of Robert Guiscard, except that Sicily was no longer dependent on Apulia. The European league was at an end and Roger was once more confronted with Norman rebels supported only by the 800 German knights whom Lothar left in Rainulf's command. Nevertheless it looked as if Roger's task would be a long one, till three events in rapid succession prepared the way for his victory.

The Treaty of Mignano with Innocent II. and the adjustment with the papacy.

In January 1138 Anaclete died, and although the schism was continued till May in the person of Victor IV., the king of Sicily was no longer bound by gratitude and friendship to support the anti-pope: in this way the chief obstacle on his side towards an agreement with Innocent was removed. The pope however still hoped earnestly by his alliance with Rainulf to maintain the separation of Apulia and Capua. Rainulf's death in April 1139 was therefore the turning point in the struggle; Innocent indeed endeavoured to carry on the opposition, both by negotiations and by a military expedition in June, but his efforts were brought to a sudden end by his capture at the hands of the young duke Roger. In the treaty of Mignano Innocent agreed to raise the excommunication which he had pronounced some time before, and to confirm the title of king of Sicily, duke of Apulia, and prince of Capua. The investiture was accomplished by the grant of three banners, one to the king, and one to each of his sons, thus keeping the component parts of the kingdom distinct. At the same time the king and his sons swore fealty to the pope and his successors on the Gospels and promised to pay 600 schifati annually as tribute.[1] The conquests of the king were now fully legal and the *status quo* was at length accepted by Innocent without reserve. Roger had won all along the line,

[1] Caspar, *Reg.* No. 124.

and by the late summer of 1140 the whole kingdom was subdued. Sergius of Naples had died fighting for Roger in 1137, and the citizens after their voluntary submission in 1139 had chosen Anfusus as their duke. Thus the last independent state was brought into line with the new provincial administration.

Policy of Roger II. towards the counties and the cities.

Repeated revolts drove king Roger to exasperation and in the final pacification of the country he showed a relentless severity to the feudal rebels. The possessions of all the royal vassals who had taken part in the rebellion were confiscated, and they themselves were forced to take an oath to leave the kingdom. These acts of punishment naturally resulted in a reorganisation of the counties. Chiaromonte disappears henceforth as a separate unit, but the lands of the county seem to have been united with Gravina. Much the same course was taken towards Ariano; the city was attributed to the royal demesne, but most of the fiefs are found in the hands of the counts of Buonalbergo. Loritello was merged for administrative purposes with the demesne of the crown, and the county was only revived by William I. Of Rainulf's lands, Avellino was given to Geoffrey of Catanzaro; Alife formed a separate county in the Catalogue, but the date of its bestowal on a new line of counts is not known. Hugh of Molise was restored by 1144, and Boamund of Tarsia replaced the old counts of Manopello. In the principality of Capua some of the small Lombard counties were suppressed or were united to form larger territories, and so far as our knowledge serves the rest of the counties seem to have remained in the hands of the old families. The general result of Roger's feudal policy was to make the counts acknowledge the royal authority: he deposed and executed rebels and set up new men in their places who had to take the oath of fidelity. But with all this, it cannot be maintained that he was specially hostile to the nobility as a class, and in the provincial administration tenants-in-chief of every grade were employed as justiciars and constables. His object was rather to compel the nobility to serve the royal interests than to deprive them of their position.

Towards the cities, on the whole, a policy of moderation was pursued: only at Troia and Bari was real severity shown, but these cities had revolted again and again and had held out to the very end of the war. The final phase of the conquest is marked by many treaties with individual cities, granting rights and immunities. The privileges accorded to Benevento, Salerno, and Trani have come down, and we may conclude that

agreements of a similar nature were secured by other cities. In detail there was endless variety, but the general result was to enforce the royal authority, and to make the cities fall into line with the general scheme of government. Their privileges in military, fiscal, and judicial matters were extensive, although, except in a very few cases, the cognizance of criminal cases was withdrawn from the city judges; there was, however, no political independence and very little administrative freedom since the chief city magistrates were nominated by the king.

The Great Court at Ariano and the organisation of Apulia and Capua, 1140.

In September 1140 the time was ripe to take up once again the general work of organisation and a court was held at Ariano to which the magnates and bishops were summoned to deliberate on a great mass of business laid before them by the king.[1] Unfortunately no clear account of the proceedings of this great gathering has been preserved, and we can only piece together the fragments of information as best we may. All that we know definitely to have taken place is the substitution of a fresh royal coinage and the appointment of commissioners to enforce the use of the new money.[2] The acts of the courts at Melfi and Capua, however, supply a tolerably exact notion of the normal business transacted on such occasions, and we may assume that the proceedings at Ariano included the imposition of a universal oath of fidelity, the promulgation of a fresh peace combined with measures for enforcing it, and the issue of a penal code and other legislative enactments. In regard to the first of these assumptions, that a general oath of fidelity was imposed, there is no further evidence than the practice followed at Melfi and Capua and the universally close connexion between such an oath and the *pax regis*. That a fresh promulgation of the peace took place as soon as the subjugation of the mainland had been carried out is definitely recorded by Romuald and it was accompanied by the establishment throughout the land of new royal officers, justiciars and chamberlains, to secure its observance. At the same time new laws were enacted and old ones were modified or abolished.[3] The actual occasion on which these administrative and legislative measures were taken is not noted by the chronicler but they may nevertheless be confidently ascribed to the *curia* held at Ariano, partly on the general grounds already mentioned and partly because this is the only known assembly of sufficient importance at this period to inaugurate such an extensive scheme of reform. It is certain that much of the legislation

[1] F. B. p. 251. [2] *Ibid.* [3] *Cal.* No. 7.

of Ariano has been preserved in the Vatican Codex of the Assizes of the kingdom, and it has been the subject of detailed study.[1] The present investigation is, however, concerned with the organisation given by Roger to the provinces of the mainland. The beginnings have been sketched in outline in their intimate connexion with the conquest, but the working of the system must be traced in the records of judgments and other acts of the royal officials. At the same time considerable information is supplied by the administrative enactments of king Roger which are found in the Casinese version of the Assizes and in the great code of Frederick II. known as the *Constitutiones Regni Siciliae.*

1140–1154. *The Peaceful Years.*

Relations with the papacy and the frontier of the kingdom.

During Roger's remaining years, except for campaigns on the papal frontiers in 1143, 1144, and 1149, profound tranquillity reigned in Southern Italy and the government seems to have proceeded on the lines laid down at Ariano. With the papacy there was continuous friction due in part to the king's high handed treatment of the bishoprics, and in part to the conquests made by his sons along the boundary of the state of the church, in the land of the Marsi.[2] An arrangement was arrived at in 1149 on the ecclesiastical question, but although Roger kept the conquests in fact, they were not recognised by the papacy, and he never received investiture from the successors of Innocent II. In spite of the attitude of the popes, these additional territories henceforth formed part of the kingdom and its frontier was definitely fixed: starting from the Mediterranean coast a little to the south of Terracina, the boundary included Vallecorsa, Pastena, S. Giovanni and Arce, and so reached the Liri to the south of Isola: from this point it followed the line of the hills and the R. Fiojo, including Rocca di Botte, and passed thence between Arsoli and Oricola northwards to include Petescia and Ascrea, and away by the R. Salto to Rieti. From Rieti the frontier went north-east taking in Poggio Bustone, thence it reached the R. Tronto at Arquata and followed the river as far as Mozzano;

[1] Niese, *Gesetzgebung*; Caspar.

[2] *Ignoti monachi Cisterciensis S. Mariae de Ferraria Chronica*, ed. A. Gaudenzi in Società Napoletana di Storia Patria, *Monumenti Storici*, serie prima: *Chronache*, Naples, 1888: *Apostolicus namque a rege et filiis capuanum repetit principatum:* it does not seem probable that Lucius II. intended to go back on the concessions of Innocent II. at Mignano, and claim the principality of Capua, hence this passage must refer to the conquests of the king's sons, which they contended belonged of right to the principality.

here it crossed the Tronto to include this place and Colli, Monsampolo, and Acquaviva, and it reached the Adriatic apparently at S. Benedetto.[1]

Royal supervision and the provincial administration.

The original scheme for the government of the provinces was of necessity modified by the death of Anfusus and Roger; in 1149 only William survived of all the king's sons. Two years later he was crowned joint king with his father and the provinces of the mainland were divided between the two kings: Roger kept Calabria and Capua in his own hands and Apulia with Salerno was given to William.[2] For the rest, additions were made to the penal code, and new laws regulating land tenure and fiscal rights were issued, but there were no changes in the administrative system. The royal supervision was exercised till 1150 in solemn courts held from time to time at different places in the duchy and the principality. In 1142 Roger was at Silva Marca near Ariano with Anfusus and the counts and other barons and the greater part of the population of the kingdom[3]; in 1143 he held a court at Capua with his sons Roger and William, the archbishops, bishops, abbots, counts, and many other barons[4]; and also at Salerno.[5] He was again at Salerno in 1147[6] with duke Roger and the counts and barons, and in 1150 both there and at Sessa.[7] Besides these general descriptions of the classes of persons attending the solemn courts, more particular information is given in certain cases; at Capua and Salerno in 1143 many magnates, lay and ecclesiastical, belonging to both principalities and the duchy were present as well as certain regular members of the *curia* such as the admiral Stephen, and Roger son of Bonus, *justificator curialis*; at Salerno in 1147 Thomas Brown and chancellor Robert are specially mentioned, and in 1150 we know that the local justiciars were present. The business which occupied the king at these courts was varied and comprehensive. A royal privilege issued at Silva Marca explains that the assembly was summoned to settle disputes and redress injustice, but it is not improbable that the gathering had a further purpose. The statement that not only the counts and barons, but also the greater part of the people of the kingdom were assembled, is a striking one[8]; the business must have been of universal importance, and

[1] This frontier may be established from the Catalogue of the Barons.

[2] Cf. *infra*, p. 281. [3] Caspar, *Reg.* No. 146. [4] *Ibid.* No. 158.

[5] *Ibid.* No. 159. [6] *Ibid.* No. 210, 211. [7] *Ibid.* No. 224, 225.

[8] Guerrieri, G., *I conti Normanni di Lecce nel secolo XII.* in *Archivio Storico Napoletano* XXV. Naples, 1900, p. 210. (Caspar, *Reg.* No. 146.) *Cum apud Silvam Marcam cum Anfuso Neapolitanorum duce et Cupuanorum principe filio nostro et comitibus nostris ceterisque baronibus et parte maxima populi regni nostri ad altercationes et iniusticias corrigendas congregaremus.*

taken in connexion with a passage in the Catalogue of the Barons, the statement suggests the idea that Roger was making a systematic enquiry into the military resources of the kingdom. The passage is as follows: *Guillelmus de Sirino tenet villanos III. et dimidij feudum militis de Guiffrido Avenabili. Obtulit apud Silvam Mortam* [*Marcam*] *militem I*,[1] and it refers plainly to some occasion on which the military tenants declared their liability for service, an occasion which seems to be referred to tacitly by other passages in this section of the Catalogue. The practice of holding courts for the purpose of verifying military obligations is confirmed by the express mention of one at Taranto.[2] This court probably sat under William I. and it may be that a series of such assemblies was held to enquire into the feudal levy. Much of the business transacted by the king in the solemn courts would seem to have been judicial, but besides hearing suits, he carried out administrative measures as at Sessa, and granted privileges.

In spite of the tolerable frequency of these courts, it does not appear that there was any system of periodical visitation of the mainland by the king, and his presence in almost every case can be shown to be due to political necessities. After the meeting with Eugene III. in 1150, Roger never again, so far as we know, left Sicily, and the royal supervision was exercised more and more by mandates addressed to the local justiciars and chamberlains. This system can be traced back to 1135, but it became more regular and frequent towards the end of the reign. There is not a trace of any control of judicial affairs by travelling members of the central court, and the chancellors who exercised authority on the mainland acted rather as governors and viceroys with a special grant of power, than as members of the *curia*.

The resignation of privileges.

In 1144 and 1145 in obedience to the royal orders a great verification of privileges enjoyed by ecclesiastics and laity alike took place. All persons were required to submit to the king's court the evidence for the rights they claimed, and many of the ensuing confirmations of privileges to churches have survived, but unfortunately hardly any to laymen. The documents in existence for the most part merely reiterate old rights and immunities, but there may have been cases in which the privileges were abolished or annulled. In any case the general result of such a universal resignation of privileges must have been to tighten the control of the king and his officials.

[1] *Cat. Bar.* p. 585, Art 509. [2] *Ibid.* p. 589, Art 683.

(2) *Progress of Reform under William I.*

1154–1156. *The European Coalition and the South-Italian Revolt.*— The early years of William I. saw a return of conditions that had distinguished the period of strife under Roger II. Even before the old king's death there were not wanting signs that the tranquillity of the kingdom would be troubled once more by a great European coalition leagued with the discontented cities and counts. Already a state of war existed with Constantinople, and Manuel Comnenus meant to recover the ancient Byzantine possessions in Apulia and Calabria: the old outstanding causes of disagreement with the papacy were a constant menace to the peace of the Norman kingdom, and in 1155 the situation became critical since the intransigeant Hadrian IV., like Innocent II., had allied himself with the German king. Frederick Barbarossa, who dreamed of restoring the ancient glory of the empire, made an attack on the South Italian provinces a prominent feature of his policy. In the summer and autumn of 1155 William saw his dominions invaded by the troops of Manuel and Hadrian, aided by the Genoese republic, and it was only the distaste of the German nobility for a prolonged Italian campaign that saved him from a simultaneous attack by both empires and the papacy. The invaders were accompanied by the exiles who had been made to leave the country by king Roger, and within the kingdom the barons and towns led by Robert of Conversano the king's cousin, in whose favour the county of Loritello had just been revived, rose in arms from the Tronto to the Gulf of Taranto, with the exception of Naples, Amalfi, Salerno, Troia, and Melfi. For the first time Sicily too joined the revolt, and only Calabria and the principality of Salerno were untouched by the movement. The grievance of the rebels was the subordinate position forced on them by Roger II., and they soon saw that there was no hope of betterment under the new king, for William and his minister Maio pursued a more definitely anti-feudal and anti-municipal policy than Roger had done. The salvation of the monarchy came once again from the fundamental conflict in the interests of different members of the league, and when William took the field in the spring of 1156 vigorous campaigns against the Greeks, the pope, and the rebels led to a complete restoration of his authority.

The establishment of master captains and master chamberlains of Apulia and Capua, and of Calabria and the Valleys.

Just as the pressure of external events had called out the administrative reforms of Roger II., so now the fresh period of invasion and revolt was met by a corresponding advance in the provincial government, and by a fresh settlement of the claims of the citizens and the feudatories as well as of the papacy. During the years of stress the admiral Maio was practically the ruler of the kingdom, for William only roused himself to play a fitful part in public affairs. Nevertheless although he seems to have left the details of administration to Maio, he was in complete accord with the broad lines of the admiral's policy of absolutism. Maio was the true successor of Roger II. in taking up his work of administrative reform, but he carried it considerably further and gave it a direction which was hardly foreshadowed in the king's original scheme. Roger had kept the control of all the officials in his own hands, and at first sight it appears that Maio merely followed his lead. Mandates were issued by the great admiral in his own name to the justiciars in the provinces and to the heads of the *duana* at court, and he sent endless letters to urge fidelity on the barons and cities of Apulia. The old methods of provincial government were followed as closely as possible at the beginning of the new reign: the king's sons were it is true too young to take the command in the duchy and the principalities, but the chancellor Aschettin in association with the master constable of Apulia was charged with the administration. Before long, however, changes were made, and already during the war captains were appointed to the command in Apulia. The appointment of captains is the first hint of a new system of provincial government. The princes in 1156 and 1158 received formal investiture, but the administration of the chancellors was swept aside, and fresh groups of officials were definitely established on the pacification of the mainland. The country was divided into two great provinces, Apulia with the principality of Capua, and Calabria with the valleys of Sinni and Crati. In Apulia and Capua two master captains exercised the powers of viceroy and commander-in-chief with extensive judicial functions, while a master chamberlain took over the control of fiscal matters. In Calabria the old office of justiciar of all Calabria was continued and approximated to that of the new master captains in Apulia, and a master chamberlain was introduced. The importance of these reforms cannot be over-estimated: the establishment of permanent governors and fiscal officers on the mainland must be regarded as a part of the anti-feudal and anti-municipal policy of Maio, especially in

view of the exclusion of the great nobles from the viceregal office during his life.

The treaty of Benevento and the final settlement of relations with the papacy.

The year 1156, which saw the completion of the administrative system, saw too the final adjustment of relations between the Norman monarchy and the papacy. The settlement of the outstanding ecclesiastical differences does not here concern us, but the formal recognition of the actual boundaries of the kingdom is important. By granting to William investiture of the kingdom of Sicily, the duchy of Apulia and the principality of Capua *cum omnibus pertinentiis suis*, that is Naples, Amalfi, and Salerno, and moreover Marsia and the other territories beyond Marsia that were claimed by the king, Hadrian legalised at length the conquests not only of Robert Guiscard, but also of the sons of Roger II. In return William offered homage and a tribute of 600 schifati for Apulia and Capua, and an additional 500 schifati for Marsia.[1] The treaty of Benevento thus made an end of the existing causes of dispute between the papacy and the vassal state, and paved the way for a period of friendship.

The treatment of the towns.

Towards his rebellious subjects William adopted a policy of stern repression, but his severity at this time did not result in a permanent settlement of the kingdom. Of his treatment of the cities but few details have come down: Bari we know was utterly destroyed and the inhabitants were forced to leave the city at two days' notice, but it is difficult to estimate the precise extent to which their privileges were curtailed. Former citizens of Bari are found in neighbouring cities, but they were able to dispose of their devastated property,[2] and the few documents issued at Bari between 1156 and 1164 show that the same judge was in office immediately after as before the destruction of the city.[3] A general notion of the conditions in the towns may be gathered from the speech made by William to the inhabitants of Palermo in 1161. There is a plain reference to a reign of terror marked by a diminution of ancient liberty through new customs introduced during the reign, and the imposition of severe financial burdens, especially on internal trade.[4]

[1] B. No. 135. *M.G.H.CC.* i, p. 590.

[2] *Codice Diplomatico Barese*, ed. for the Commissione Provinciale di Archeologia e Storia Patria, Bari, 1897–1902, t. v. Nos. 114, 115, 116.

[3] *Ibid.* No. 112 before the destruction, Nos. 117, 119, 120, 124, 125 after the destruction of Bari.

[4] Hugo Falcandus, *La Historia o Liber de Regno Sicilie*, ed. G. B. Siragusa, in *Fonti per la Storia d'Italia*, published by the Istituto Storico Italiano, No. 22, Rome, 1897, pp. 86, 87.

The revision of the Catalogue of the Barons.

A pitiless repression overtook the rebel barons, who were blinded, imprisoned or banished. In consequence, a considerable rearrangement of the counties took place: Lesina was given to Geoffrey the son of Henry of Ollia, and Manopello to a second Boamond, while Conversano and Loritello, Montescaglioso and Lecce were left vacant and were administered directly by the royal officials.[1] It is more than probable that an extensive revision of the feudal obligations recorded in the Catalogue of the Barons took place, for that document on the whole represents the state of affairs in Apulia and Capua in the years immediately following the revolt of 1155–6.[2] The Catalogue itself mentions a court at Taranto to which the chamberlain Alfanus reported fresh information and it may well have been sitting at the time. Not only was this revision undertaken with the intention of strengthening the hold of the government over the feudal classes, but further, the new office of master captain which had arisen out of the necessity of defending the country against Byzantium was made the instrument of Maio's policy of absolutism, in the hands of his brother-in-law the seneschal Simon and his brother the admiral Stephen. The master chamberlains, too, men it would seem drawn from the Greek official class, were used to enforce the rigid fiscal administration that was one of the worst grievances of the reign of William I.

1160–1163. *The conspiracy against Maio and the second South Italian Revolt.*—With this policy of repression in view, the charge of weakness in the restoration of order is not one that can be brought against the king and his ministers: their mistake was rather the employment of ill-considered severity in an attempt to force on the population of the kingdom a system of government unsuited to its traditions and its stage of development. The cities and the feudal nobles could be controlled and incorporated in the administrative system as the reigns of Roger II. and William II. proved, but they could not be ignored, and their just rights trampled down by an absolutist bureaucracy. The growing discontent was organised in 1160 into a vast conspiracy against the great admiral by certain of the Sicilian barons and the majority of the Apulian and Capuan counts in alliance with the towns. In the autumn of this year the ostensible object of the league was gained by the assassination

[1] Cf. *infra*, p. 347.

[2] Cf. *infra* pp. 338–41, for a discussion of the date of the Catalogue.

of Maio, but the movement developed rapidly into rebellion against the king in every region of the country. For the first time Calabria and Salerno joined Sicily, Apulia, and Capua, and Robert of Loritello and the other exiles seized the opportunity to recover their former possessions. They were supported by all the Apulian counts except Gilbert of Gravina the queen's cousin, and Boamund of Manopello, but the danger of foreign invasion was not now added to the danger of rebellion at home as it had been in 1155, since the diplomacy of Maio had secured the friendship of Rome and Constantinople.

The treatment of the towns—the *redemptio*—and of the barons.

Vigorous campaigns on the part of the king in Sicily, Calabria, Apulia, and Capua broke the opposition, and once again savage punishment was meted out to all who fell into his hands. If he had had his will the destruction of Salerno would have formed a pendant to the destruction of Bari: the ancient capital of the Norman princes was only spared by reason of the insistent prayers of Matthew of Ajello the notary, a native of the city, and of others among the king's advisers. As it was, certain citizens suspected of close relations with Robert of Loritello were hanged, and a heavy fine was inflicted on the city.[1] A similar money payment, known as the *redemptio pecunie*, was everywhere imposed on the cities of Apulia and Capua that had been guilty of treason.[2] It was, in fact, a mitigation of the extreme severity of the law, which made death and the confiscation of goods the punishment for conspiring against the king.[3] The counts were less fortunate than the citizens, for they were executed, imprisoned or compelled to leave the kingdom, and in all cases their possessions were confiscated. The counties of Conza, Avellino, Fondi, and Acerra and the lands of Marius Burrellus and William of San Severino came into the king's hand, and all remained vacant till the end of the reign.

The orders given to the officials and the future character of the government.

The rebellion was crushed, and no further disturbance troubled the remaining years of William I. This result must have been due in part to the absence of many of the most independent of the counts, but the character of the government, during this period, no doubt, also contributed towards it. The internal history of the kingdom is scarcely noticed by the chroniclers, but the broad outlines may be traced. There can be no doubt that royal justice was administered with a firm hand, and the fiscal rights of the crown rigidly enforced. Hugo Falcandus goes much further than

[1] R. S. p. 434. [2] H. F. p. 78. [3] Siragusa in edition of H. F. p. 78, n. 1.

this,[1] and would have us believe that a veritable tyranny reigned in the name of justice. He says that the members of the *curia* were animated by the most shameless greed, and the master justiciar, Bartholomew Parisinus, and the other justiciars, stratigoti, chamberlains and catapans endeavoured to win the favour of the gaytus Peter, by crushing the people with exactions and oppressions: their chief object in administering justice was to extort money from one or other of the parties, or better still from both, while in the collection of the *redemptio* the largest sums were demanded from those least able to pay. Against this perversion of the administration of Sicily may be set the fragment of the actual orders issued to the officials on the mainland, which has been preserved in a document of 1163:[2] *quoniam rex per universas regni partes iustitiam omnibus integre servari mandavit, necnon unumquemque in proprium recte possidere, quia sanctionem decrevit.* This passage vindicates the government sufficiently from the charge of wholesale venality, but there can be no doubt that the financial exactions were regarded as an intolerable burden.[3] It was necessary to make good the heavy losses incurred in the sack of the palace and the expenses of putting down the revolt, and the *redemptio* offered a convenient method of raising money. At first it was imposed only on the cities and fortified towns which had helped Robert of Loritello, but in a short time it became a general tax on the mainland, and continued until it was remitted by king William on his deathbed.[4] In spite of the strictness of the administration there are signs that the government had become less hostile to the feudal classes than it had been under Maio's influence. From 1161 the *curia* itself was not closed to members of the feudal class, for count Silvester of Marsico was associated until his death with the bishop-elect of Syracuse and the notary Matthew to form the inner circle of advisers. It must be admitted, however, that his place was filled by the master-chamberlain Peter, and the administration was once again in the hands of ecclesiastics and of officials of the school of Maio. On the mainland the reaction was more marked, and the master captains were henceforth invariably men of knightly rank, invested with the dignity of count. The way was gradually prepared for the administration of the regency and of William II., which abandoned the attempt to force a system of absolutism on the Norman kingdom.

[1] H. F. pp. 86-87. [2] *Cal.* No. 54. [3] H. F. p. 90. [4] R. S. p. 435.

(3) *Summary of the Organisation of Apulia and Capua.*

The creation of the Norman monarchy in South Italy was one of the most remarkable achievements of the twelfth century. Not only was there a long-standing tradition of political disunion and social anarchy within the country, but from without a powerful European league had thrown its weight on the side of disintegration, and therefore of anarchy. Yet in twelve years all the elements of opposition had been overcome, and the foundations were firmly laid of the best organised state of the middle ages. The explanation of this change can only be found in the personality of Roger II. He was the one permanent element amid the ever-varying combinations of the period, and he alone had formulated a definite constructive policy and persistently adhered to it during all the vicissitudes of the conquest. His political genius saw the needs of the country and adopted a scheme which should perfectly satisfy them, and his strength of will enabled him to carry it into practice. The basis of the new state was the exalted idea of the royal power which the revived study of Roman Law was furnishing to the progressive statesmen of Europe. The king was responsible to God alone: he was the head of every department of administration, the source of law and justice, a sharp sword held in the hand of God for the punishment of the wicked. This conception Roger set himself to realise, and he began from the outset to establish a system of government which should make the royal power a reality and a blessing, by carrying law and order into every corner of the land.

The outstanding characteristic of Roger's scheme of reform is the careful building of new institutions on old foundations, This is seen both in the theoretical basis of his government and the actual institutions he created. The mainspring of his system, we have seen, was the exaltation of the royal power, but this idea, new in the South Italian states, he brought into relation with current practice through the oath of fidelity and the peace movement, which had already rooted itself in the duchy of Apulia. In the same way the administration in the newly-conquered districts was fitted on to the political and social institutions already in existence. The old units of government, whether municipal, feudal or dynastic were made an integral part of the reorganisation. Innovations no doubt there were, new officials and new methods of procedure, but the

old groundwork of law and custom was allowed to persist, and the old and new were blended with infinite skill, till a system was evolved not unlike the famous mosaics of the churches of the *regnum*.

The new organisation, then, took full account of the peculiarities of the mainland in law and race and government, and there was no attempt to transfer Sicilian and Calabrian institutions wholesale to Apulia and Capua. The previous history of the two parts of the kingdom had been so dissimilar that any such attempt was bound to fail. Still there was some infiltration of alien institutions; for instance, while the new officials were in theory the guardians of the royal peace, the form of the justiciars' office can be traced back to the Byzantine government. In spite of such borrowings, the institutions of Apulia and Capua differed in many important respects from those of Sicily and Calabria, and the study of the two parts of the kingdom on the administrative side, must be kept rigidly separate. The indiscriminate use of illustrations drawn from Sicily and Apulia cannot be too strongly condemned, for it tacitly ignores points of divergence and leads to confusion.

The effect of the conquest of the mainland was to supersede the old central governments of Apulia, Taranto, and Capua: Roger had already a strongly organised *curia* in Sicily, and this became the central authority for the whole kingdom. Modifications indeed were necessary owing to the addition of provinces, Lombard in law and Latin in speech, to the Greek and Arabic regions of Sicily. The chancellor specially charged with affairs on the mainland appears with the conquest, but on the whole the *Curia regis* under Roger as king closely resembled the *Curia comitis* under Roger as count. Roger himself was in theory, and to a great extent in practice, the direct ruler of the provinces: he was crowned prince of Salerno and duke of Apulia and his position is shown in the title *Rex Sicilie ducatus Apulie et principatus Capue*, although he never seems to have himself assumed the title of prince of Capua. The old dynastic divisions of Southern Italy, however, became the foundation of the new provincial organisation, and the king's sons with the titles of duke of Apulia, prince of Taranto and prince of Capua and Naples, became the titular heads of the administration. The exact nature of the power enjoyed by the princes will be discussed later, but it may be said here that they were rather the deputies of the king than the possessors of rights inherent in their principalities.

Within these larger divisions which owed their existence to political or dynastic causes, there was a large number of feudal counties and baronies. Roger's policy here was animated by the same ideas that underlay his treatment of the principalities, for the counties were retained and made to subserve the general scheme of organisation. Roger is often represented as the bitter enemy of feudalism, the destroyer of the rights and privileges of the feudal aristocracy. The facts do not warrant such a drastic idea of the changes he introduced. The counts indeed were no longer allowed to govern their estates by the grace of God alone, for they were made to realise their dependence on the king by the rigid enforcement of the oath of fidelity. In regard to their powers, it does not seem that Roger made any great changes, and so far as can be discovered, they retained the higher criminal jurisdiction and various fiscal rights that in theory were reserved for the king himself. The treatment meted out to the towns, the ultimate unit of administration, was far severer than that which the counties received. Roger seems to have felt that the growing liberties of the towns with their walls and castles and material wealth was a far greater menace than the feudal baronage. The city organisation was preserved as the unit of administration, but the towns were made really subordinate to the king; he appointed the *stratigoti* or the catepans and named the judges, and these officials from this time onwards always add the expression *regius* or *regalis* to their title, thus showing that they were in fact royal functionaries. Privileges the towns did in truth enjoy, but Roger's policy decided that there were to be no communes and no city states in the *regnum*. One aspect of his reform, perhaps the most important, has been left till the last for discussion, so as not to break the treatment of the modifications introduced in the old administrative units. So far Roger had only adapted and modified, but the introduction of new royal officials, justiciars, constables, and chamberlains provided a fresh expression of his power, since they were directly appointed by him and responsible to him.

These new officials occupied a place in the administration like the counts, mid-way between the princes and the towns, although they were at first only answerable to the king himself. From the outset they received definite territorial spheres within which they exercised their office. Their duties were separated as far as possible, although complete differentiation of function was not attained till the time of Frederick II. In this they

differed from the city magistrates in the days before the reform of Roger, for the latter enjoyed a universal competence, presiding over the courts of justice and acting as fiscal and administrative officials. Under the new system the distinctive function of the justiciars was to hear criminal cases, and jurisdiction in these matters was expressly withdrawn from the officials of the towns who had previously enjoyed it, only civil cases being left to their cognizance. The relation of the counts to the justiciars is a complicated question : there is no doubt, it has already been said, that the counts and other feudatories retained in many cases criminal jurisdiction over their own tenants, and the situation has been well summarised in the statement that the jurisdiction of the counts and the justiciars was concurrent, since the justiciars did not supersede the counts in their counties. The chamberlains took over the supervision of the royal demesne, and they exercised besides a general control over the bailiffs in fiscal and administrative matters, and a revising jurisdiction in civil cases. The constables, the third class of new royal officials in the provinces, commanded the lesser tenants-in-chief of the crown, who were grouped in constabularies round them, and their office was often combined with that of justiciar. Other constables were placed over important fortified towns, whose garrisons were formed of special groups of knights.

One peculiarity of the administrative reform needs explanation : the simple justiciars and chamberlains were established before the master justiciars and master chamberlains, so that the development was apparently from below upward. This, however, was not the case theoretically and the circumstances may be explained partly by the fact that a co-ordination of officials under the king as the head of all departments of state was aimed at, rather than a strictly subordinated hierarchy, and partly by the fact that it was Roger's definite scheme to entrust the higher provincial administration to the princes. This plan broke down owing to their early death, and it was for a time supplemented by the appointment of the chancellors to govern the mainland. By degrees under William I. a new system was evolved which subordinated the justiciars and chamberlains to master justiciars and master chamberlains, and the principle of co-ordination was abandoned.

In the evolution of the institutions of the kingdom, the establishment of master captains and master chamberlains marks a distinct advance. During the later years of king Roger and the beginning of Maio's adminis-

tration, the local justiciars and chamberlains were under the sole orders of the central authority, but from 1156 onwards their activity was directed by the master captains and the master chamberlains, who were themselves in close dependence on the *curia*. Royal mandates to the local judicial and fiscal officers did not perhaps wholly cease, but it must be submitted that they became very rare and a change of system can be distinctly traced. The orders of the *curia* were sent to the superior provincial officials and these in turn transmitted them to the justiciars and chamberlains under their orders. The innovation is of special interest in that it completed the organisation of the provinces on a territorial basis. The administration was placed in the hands of a graduated hierarchy of officials with definite local spheres of authority, under the supreme control of the *curia* at the apex. It was consequently no part of Maio's scheme for itinerant numbers of the *curia* personally to supervise justice and finance on the mainland, and it is only at the beginning of the personal rule of William II. that a change of system may be observed so far as the department of finance is concerned. Here the master chamberlains disappear and the masters of the *duana*, the central board of finance, are found directing fiscal affairs on the mainland.

So far, then, the perfect territorial system was abandoned, but it does not appear that a parallel change was introduced on the judicial side, although arguments have been advanced in support of such an innovation.[1] It is maintained that members of the central court as such heard suits in various regions of the mainland, and this contention is based partly on a small number of documents which are held to support it, and partly on an arbitrary conception of the ideal needs of the administration founded on the analogy of the contemporary Anglo-Norman system. It must be submitted that a careful analysis of the documents in question does not confirm the notion of a link of this kind between central and local justice in Apulia and Capua, and further that in the actual system developed by the Norman Kings in Italy, there was no place for such an expedient.[2] It has been said that 'the Sicilian kingship was less ambulatory than the Anglo-Norman, so that there was greater need of some system of provincial visitation by officers of the central government.'[3] This theoretical view of

[1] Mayer, ii. pp. 396–414; C. A. Haskins *England and Sicily in the Twelfth Century* in *The English Historical Review*, July and October, 1911, vol. xxvi. pp. 642–651.

[2] See Note on the absence of any system of itinerant justices in Apulia and Capua, *infra*, p. 475.

[3] Haskins, p. 648.

the needs of South Italy ignores the general institutional scheme which vested the control of the local justiciars not in travelling members of the central court, but in provincial governors of a viceregal character, the master captains of Apulia and Capua. After 1170, these officers changed their title to that of master justiciars and master constables, but their function as the intermediate link between the central court and the local justiciars remained unaltered. There was consequently no room in southern Italy for itinerant judicial officers. In England and Normandy they were essential just because conversely there were no provincial magistrates at the head of the administration.

Such in outline was the provincial organisation created by Roger II. and extended under his son. It reflects the general notions of his age and many of his measures find a parallel in the contemporary systems of Europe, especially in England and Normandy. But while his ideas were often borrowed in essence, yet he generally gave them a practical shape adapted to the traditions and needs of his dominions. The work of reform was broken again and again by external circumstances, but there is no want of internal continuity, between the scheme sketched at Melfi and the system in force when the king died in 1154. Developments indeed there were, but no going back and no mistakes, and continuous administrative growth was possible for a century on the lines laid down in his reign.

CHAPTER III.

THE PROVINCIAL GOVERNORS.

(1) *The Princes and the Chancellors.*

The scheme of provincial government by the princes.

The broad ideas which animated Roger II. in organising the government of the provinces have been sufficiently elaborated. It has been seen that he made a bold attempt to solve the problem by making his sons the titular heads of the old political divisions: since they were associated with him in the oath of fidelity, he was spared the necessity of definitely delegating any portion of the royal prerogative to viceroys or governors of the mainland. Unlike more than one king of the twelfth century, Roger was fortunate in the capacity and devotion of his sons, but the plan of using

them as his lieutenants offered difficulties from the outset. In the early years of the reign they were too young to undertake the real government and defence of their provinces: Roger, the eldest of the brothers, was born not later than 1118, and he was followed at short intervals by Tancred, Anfusus and William, who was born in 1121 or 1122.[1] Henry, the youngest, was perhaps several years younger than William: he died however a mere child and never had any political importance.[2] For a time then, the youth of the princes necessitated other means of government: the king himself seems to have administered Apulia directly, and the chancellors Guarin and Robert in turn were made governors of the principality of Capua,[3] and commanders of the army.

From the year 1137 however the princes began to take an active share in affairs. In the summer of this year, Roger, who had been made duke of Apulia, was engaged in the campaign against Rainulf of Alife, and from this time onwards he is found at the head of the royal troops, being joined in the command after 1140 by Anfusus the prince of Capua. A brilliant career seemed to open before the brothers, but one by one an early death carried them off in the first years of manhood. Tancred died probably in March, 1138, Anfusus in October, 1144, and Roger in May, 1149.[4] The king's last surviving son William succeeded each of his brothers in turn, but neither as prince of Taranto nor of Capua, nor yet as duke of Apulia does he seem to have taken an active part in the government.

[1] For the king's sons cf. R. S. p. 421 *Hic autem, cum esset comes et iuvenis Albiriam filiam Regis Yspanie duxit uxorem ex qua plures liberos habuit, Rogerium quem Apulie ducem instituit, Tancredum quem Tarenti principem fecit Anfusium quem Capue principem ordinavit, Guillelmum et Henricum.* A. T. Lib. III. cap. xxvii. p. 142. The eldest son Roger cannot have been born later than 1118: this appears from the information given by Romuald of Salerno (p. 435) that king William I., the fourth of the brothers, was in his forty-sixth year when he died in May, 1166; he must therefore have been born in 1121 or 1122, and since Tancred and Anfusus preceded him, 1118 is the very latest date that can be given for the birth of Roger. Di Meo (t. X. ad an. 1148, n. 2) without giving any authority for the information says that Roger was thirty at the time of his death, which he places in May, 1148. It is however, more probable that this occurred in May, 1149 (cf. *infra* p. 277), but in spite of this alteration, supposing that di Meo's information as to Roger's age is correct, it is still quite possible that he may have been born in 1118. The suggestion may, however, be hazarded that di Meo based his calculation of Roger's age on the supposed date of his birth, which in turn he calculated from Romuald's information about William.

[2] In 1136 king Roger granted some property to the nurse of his son Henry (Caspar *Reg.* No. 109): we may therefore assume that the child was not very old at the time of this donation. He died on a certain August 29 (*Necrologia Panormitana* in *Forschungen zur Deutschen Geschichte*, Göttingen 1878, xviii. 473).

[3] A.T. Lib. III. cap. iii. p. 130; xiv. p. 135; *Cal.* No. 3; *Chron. Casin. auct. Petro M.G.H.SS.* vii. p. 815.

[4] Cf. *infra* pp. 277–8.

The Government of the Chancellors: In Capua.

In these circumstances then a plan which promised well was perforce abandoned; the expedient of the early years was once more resorted to, and the chancellor Robert from time to time, as occasion demanded, took charge of affairs on the mainland. So far as the available evidence goes he seems to have acted as governor in the principality of Capua only: we know that he was at Sora shortly after the death of Anfusus,[1] and although the only business that he is said to have transacted at this time was the confirmation of a privilege granted by king Roger in favour of the churches of Sora, it cannot be doubted that it was the death of Anfusus in October, 1144, that caused the presence of the chancellor in the principality. This would be the more necessary since William of Taranto, who succeeded his brother, was still in Sicily in November. The royal diplomas of this month mention the absence of the chancellor, and it is not a little interesting to learn the business which took him away from court.[2] He was again in the principality in September, 1149, when at the head of the royal army he burnt the town of Rieti,[3] and once more his presence may be accounted for by the vacancy in the principality caused by the transfer of prince William to Apulia in May of this year. On two separate occasions therefore Robert took over the government of Capua.

In Apulia.

In the duchy of Apulia, on the other hand, his action seems to have been either accidental or merely connected with the duties of the chancery. In 1137, after being driven out of the Terra di Lavoro by the imperial troops, he threw himself into Salerno, determined to do his utmost to prevent the complete overthrow of the king on the mainland.[4] His action was due to the exigencies of the campaign, for it does not appear that he received a definite command such as he held in Capua. The next notice of Robert's presence belongs to 1140, when he accompanied the king to Pescara, and endeavoured in vain to obtain from him the subjection of the monastery of Casauria to Boamund, the new count of Manopello.[5] In 1143 he visited

[1] Archives of Monte Cass. caps. ci. fasc. v. No. LXI. Judgment of Sept., 1173, ind. vi. given in the court of the chamberlain Adenulf de Patricio in the course of which certain witnesses testify *se uidisse et audisse quando Robbertus cancellarius parum post mortem domini Anfusi principis venit soram. et recensuit preceptum illud quod dominus Rex Rogerius fecerat apud sanctum valentinum. et ex parte domini regis mandauit perpetua firmitate obediendum.*

[2] Caspar, *Reg.* Nos. 176–7.

[3] *Chron. Ferrar.* p. 28.

[4] R. S. p. 422

[5] *Chronicon Casauriense* in *Rerum Italicarum Scriptores*, ed. L. A. Muratori, Milan, 1726, II. pt. 2, col. 890.

Benevento, but it was as chancellor and not as viceroy that he went there, although it is true enough that his action had an underlying political significance. Owing to difficulties with the Holy See, king Roger had incited the barons of the surrounding country to attack Benevento. The citizens complained of the violation of their privileges and Robert was sent to Benevento to inspect their charter: once it was in his hands Robert refused to restore it till he had shown it to the king, and departed quickly from the city.[1] On another occasion Robert was sent to settle a disputed election to the see of Avellino, but here again he seems to have acted in virtue of a special mission, this time of an ecclesiastical nature.[2] In September 1146, in February 1148, and again in the year 1151[3] Robert's absence is noted in the royal diplomas, but unfortunately it is only in 1148 that there is any evidence of the part of the country he visited,[4] and there is no means of knowing the business with which he was occupied. His employment in the provinces of the mainland seems to be referred to in a special way in the sketch which John of Salisbury gives of his character and attainments, and his openhandedness and love of display are contrasted with the careful habits of the Lombards of Southern Italy.[5] The chancellors had no title to designate their position on the mainland, but this is no doubt explained by the fact that their office was occasional, and that the governors of the provinces were, in theory at least, the princes. It is however somewhat hard to determine the precise powers exercised by the king's sons, and the question cannot be discussed profitably until their relation to their father and to each other, as well as the history of each of the provinces under their rule, have been considered.

Relations of the king to the princes.

From a very early period in his reign king Roger showed his determination to establish his dynasty and ensure the succession of his sons by associating them in acts of state. Already in 1128 they were expressly included in the treaty sworn by the ambassadors of Savona to support the

[1] *Chron. Ferrar.* p. 27.

[2] Johannes Saresberiensis, *Ex Policratico* vii. c. 19 in *M.G.H.SS.* Hanover, 1885, xxvii. 48–9.

[3] Caspar, *Reg.* Nos. 207, 214, 217, 230.

[4] *Cal.* No. 26. Pandulf, a notary of the chancellor, drew up the record of a judgment pronounced by the royal justiciars at Pescara, so that the chancellor himself was probably in the neighbourhood.

[5] *Ex Policratico* in *M.G.H.SS.* xxvii. p. 48-9 *Vir quidem in rebus gerendis strenuus et sine magna copia litterarum acutissimus, in primis provincialium facundissimus, eorum non impar eloquio, verenaus, omnibus privilegio potestatis et morum elegantia veneralibis, eoque mirabilior in partibus illis, quod inter Langobardos, quos parcissimos ne avaros dicam, esse constat, faciebat sumptus immensos et gentis sue magnificentiam exhibebat.*

duke of Apulia under certain conditions by land and by sea.[1] In the following year, Roger and Tancred together were associated with their father in the oath of fidelity imposed on all classes of the population in Southern Italy. Although Roger II. at no time before 1151 arranged for the coronation of any of his sons as joint-king, yet by the simple expedient of including them in the oath, he secured the allegiance due to them as his successors, while at the same time it was integrally bound up with the allegiance due to himself. The situation thus created was confirmed by Anaclete II., who in 1130 granted the crown of Sicily, Calabria and Apulia to Roger II. together with his son Roger and his other sons,[2] and the final legitimation of the hereditary monarchy was given by Innocent II. at Mignano in 1139.[3] Roger, the eldest son, was definitely acknowledged as his father's heir and in consequence of his rights of succession he had a certain superiority over his brothers, who nevertheless occupied a definite position of their own in virtue of the principalities with which they were invested. The relations existing between the brothers are well illustrated in the oath imposed on the principality of Capua: in 1135 the magnates swore fidelity to the new prince Anfusus, saving however that they owed to the king and to his son Roger who was to succeed him in the kingdom.[4] The same reservation is found too in the oath taken at Gaeta, of which the very formula has been preserved.[5]

In this way the dynasty was established and the princes were closely bound to the throne, but Roger's policy went further, and he intended to use his sons as the instruments of government, especially in the newly conquered regions. At the outset, indeed, he gathered into his own hands the titles of prince of Salerno[6] and duke of Apulia,[7] and Honorius II. confirmed him personally in his new possessions,[8] yet at a very early date he began the course of investing his sons with the duchy and the principalities of Taranto and Capua. Salerno was never granted out, and seems to have been merged henceforth in the duchy of Apulia. Except as a fiscal and judicial unit it disappears from the history of the *regnum*.

[1] Caspar, *Reg.* No. 54.
[2] Caspar, *Reg.* No. 65. [3] *Ibid.* No. 124.
[4] A. T. Lib. III. cap. xxxi. p. 144.
[5] *Codex Diplomaticus Cajetanus*, cccxxxiv. p. 268 *in Tabularium Casinense II. Ego talis iuro et assecuro domino nostro Roggerio. dei gratia sicilie, et italie regi magnifico. et domino. Roggerio. duci filio suo aliisque suis heredibus secundum suam ordinationem legium hominium et ligiam fedelitatem et domino. Anfosso capuano principi Fidelitate, de vita et membris et terreno honore . . .*
[6] R. S. p. 418. [7] *Ibid.* [8] *Ibid.*

The same fate was reserved eventually for the principality of Taranto, although for several years it formed an appanage for the royal princes.

The young Roger in all probability received the title of duke of Apulia before June 1132, because the suggestion is made at this date in the treaty with Bari that the city should be given to Tancred or some other of the king's sons,[1] and it does not seem likely that the eldest son should be passed over unless he had already received a title. It is possible that he was invested with the duchy at the time of his father's coronation, when the title of duke of Apulia and count of Sicily was exchanged for that of king of Sicily and Italy. From 1134 onwards the young Roger is always called duke,[2] but it is not till 1139 that any formal investiture is recorded. In July of this year, when Roger II. received the kingdom of Sicily from Innocent II., he was accompanied by his sons Roger and Anfusus, and it is expressly narrated that they received separate investiture *per vexillum* of the duchy of Apulia and the principality of Capua respectively, at the hands of the pope.[3] It may well be that Innocent was willing by a definite act to give sanction to the young Roger's claim to the duchy, since Rainulf of Alife, who had received papal and imperial investiture, was now dead. From the chronicle of Ferraria, indeed, it appears that not only Innocent, but also Roger II. invested the young Roger in 1139:[4] no other source speaks of this investiture, but it is possible that some ceremony took place to mark the final victory of the Sicilian house. The Duchy of Apulia.

The duke of Apulia had played a not unimportant part in the last years of the conquest and it is above all as a military commander that he was conspicuous. In October 1137 he was given the command of one wing of the royal army at Rignano, and he succeeded in driving the enemy before him as far as Siponto: this partial victory however did not prevent the main body under king Roger from suffering a severe defeat. Two years later in the summer of 1139 the duke carried on the war in the Terra di Bari, and brought about the submission of several important places, notably Trani, with which he concluded a treaty: this success was followed in July by the capture of Innocent II., an advantage for the king, which he

[1] Caspar, *Reg.* No. 77.

[2] *Ibid.* No. 94, cf. A. T. Lib. III. cap. xxvii. p. 142.

[3] F. B. p. 246.

[4] *Chron. Ferrar.* p. 25 *Eodem anno* [1139] *Rex Rogerius filium suum Rogerium fecit ducem Apulie.*

owed to the ability of the duke. After the reconciliation with the papacy the disturbed condition of the northerly regions of the kingdom offered a further field for his generalship; in the spring of 1140, he was sent to help his brother Anfusus, and together they advanced beyond the city of Pescara, with the object of subduing the outlying districts which depended some on the duchy and some on the principality.[1] It is interesting to notice that the princes were acting during this expedition ostensibly as rulers of their provinces, and in this capacity were vindicating their territorial rights. This was especially the case in those regions of the principality of Capua which bordered the state of the Church.[2] In July Roger II. came north to inspect his sons' conquests and with their help he captured Sora and Arce and brought the frontier of the kingdom up to Ceprano.[3] In August he was at Pescara, and the young Roger joined his father in a grant for S. Saviour of Monte Majella.[4] Both Roger of Apulia and Anfusus of Capua must have been present at the Court at Ariano, but when the king returned to Sicily with his fourth son William, Roger remained in Apulia and Anfusus went to Capua.[5] For three years the duke is only mentioned in royal diplomas issued sometimes in Sicily and sometimes in Italy, but in the autumn of 1143 together with his brother he conquered the land of the Marsi,[6] and in June 1144 he accompanied the king and Anfusus to Ceprano for an interview with Lucius II.,[7] with the object of arranging the outstanding points in dispute with the papacy. The negotiations broke down owing to the stipulations of the pope in regard to Capua, and the king returned to Sicily to prepare a naval attack on Terracina. The princes took the field at once and attacked the papal possessions in Campania[8] with such success that Lucius concluded a seven years' truce: Roger II. at first refused to ratify it, but after the death of the prince of Capua in October,[9] he signed a treaty with the pope. Duke

[1] F. B. p. 250.

[2] *Chron. Ferrar.* p. 26. The pope sent cardinals to the princes *ne aliena invaderent, et romanos fines non usurparent. Qui respondentes ita eidem rescripserunt 'aliena se nolle appetere sed solummodo terras principatui Capuano suo pertinentes velle reintegrare, et sic omnes terras principatus capuani et ducatus Apulie sibi subiugare.'*

[3] *Annales Ceccanenses (Chronicon Fossae Novae) M.G.H.SS.* Hanover, 1866, xix. p. 283.

[4] Caspar, *Reg.* No. 133.

[5] F. B. p. 252 and Caspar, *Reg.* No. 135.

[6] *Ann. Ceccan. M.G.H.SS.* xix. 283.

[7] *Chron. Ferrar.* p. 27.

[8] *Ibid.* 28 and *Annales Casinsenses M.G.H.SS.* xix. 310.

[9] Cf. *infra*, p. 279.

Roger now returned to Sicily where he passed the autumn.[1] The truce with the pope deprived him of a field for the exercise of his military talents, and the notices of him which have come down are few, and shed but little light on his government of Apulia. For the most part his presence with the king at Palermo or Salerno alone is mentioned, but in 1147 he presided independently at a court held to settle a dispute between the abbot of Monte Cassino and John de Boccio of Troia.[2] On this occasion, the duke's court numbered among its members one or more royal justiciars, and the judgment is of considerable importance, since it is the only illustration extant of Roger's judicial activity in Apulia.

In February, 1148, he was at Palermo,[3] and this is the last information we have, except the notices of his death. This has generally been regarded as having occurred on May 2 1148, since the *Necrologia* of Palermo and Monte Cassino give May 2 as the date of the death of a duke Roger, and the *Annales Cassinenses* give the year 1148. Romuald of Salerno, however, has 1149 ind. XII., and this date is confirmed by the Liber Confratrum of Salerno, which has the precise indication *VI. Nonas Maii Anno Domini MCXLnono indictione XII.* This testimony is supported by several Apulian documents, although the indications from this source are not unanimous. The evidence for both dates has recently been reviewed, and a decision in favour of 1149 seems to be supported by the greatest weight of testimony.[4]

The position occupied by duke Roger in the duchy is somewhat ambiguous; although he was always associated with the king in the oath of fidelity and always bears the title of duke, his regnal years are not mentioned in the private documents of Apulia Nevertheless it happens occasionally that after mentioning the reign of the king, the scribe refers to the duke *regnante cum eo*.[5] The omission of the regnal years is the more remarkable, since it is always noted for William, his successor to the duchy, and for Anfusus and William alike in the principality of Capua. Duke Roger seems to have exercised a sufficiently independent judicial power, so far as the one surviving judgment given by him on the mainland serves to

[1] Caspar, *Reg.* Nos. 176, 177.

[2] *Cal.* No. 22.

[3] Caspar, *Reg.* No. 214.

[4] C. A. Garufi, *Guglielmo I. Duca di Puglia e Re di Sicilia,* in *Studi Storici e Giuridici dedicati ed offerti a Federigo Ciccaglione,* Catania, 1910, ii. pt. iii.

[5] *Cal.* Nos. 10, 11; cf. Caspar, *Reg.* No. 133.

show, and he was the active and successful commander of the royal troops. In both these respects his competence closely resembles that of the later master captains of Apulia, but the frequent presence of king Roger on the mainland to hold solemn judicial courts in person and to superintend the general conduct of military operations, made the duke's position far less regular and assured than theirs. The duchy was divided for judicial, military and fiscal purposes into a number of circuits, but the justiciars, constables and chamberlains to whom the conduct of these affairs was entrusted were royal officials, appointed by the king and receiving orders directly from him. Duke Roger on the whole was a mere representative of the king without the definite functions of an official; and he was in no sense the sovereign of Apulia. He was succeeded by his only surviving brother William, but there are no records at all of any public action on his part during his brief tenure of Apulia as duke.

The principality of Taranto and Bari.

The importance of the principality of Taranto, which had been deserted by Boamund II in 1126, might not at first seem greatly inferior to that of the duchy of Apulia, since it represented roughly the old sphere of Greek influence, the region in which the first conquests of the Hauteville family were made. Roger gave the principality, some time after June 1132 to his second son Tancred.[1] On the death of the latter, perhaps as early as March 1138[2] it passed to his brother William, who held it till October 1144. The king, in his will, nominated Simon his natural son as prince of Taranto,[3] but he was deprived by William I., who asserted that the principalities and the duchy could only be given to legitimate sons. After this, the principality was never again granted to a son of the royal house, till the time of Frederick II. It was merged for administrative purposes in the duchy of Apulia, and it was only as a feudal unit that the region continued to have any separate existence, since the fiefs are always described in the Catalogue of the Barons as being held of the principality

[1] Caspar, *Reg.* No. 77. Treaty with Bari in which the possibility of giving the city to Tancred or another of the king's sons is mentioned. Alexander of Telese (Lib. III. cap. xxvii. p. 142) in 1135 speaks of the previous granting of the principality of Bari to Tancred; cf. R. S. p. 421. *Tancredum quem Tarenti principem fecit.*

[2] Tancred died on a certain 16th March (*Necrol. Panorm.* p. 472). He is not mentioned after the autumn of 1137, when he returned to Sicily with his father (R. S. p. 423), so that it seems probable that he died shortly after this. William is not mentioned as prince, or indeed at all, till Nov., 1140, but the authenticity of the document has been questioned. (Caspar, *Reg.* No. 135.)

[3] H. F. p. 51; *Chron. Ferrar.* pp. 28, 30. It is doubtful whether Simon was prince of Taranto or of Capua. H. F. gives Taranto and the Chronicle of Ferraria gives Capua, but Taranto seems the more probable.

of Taranto. Like the duchy of Apulia proper, it was divided among several groups of justiciars, chamberlains and constables, who held their office directly of the king. Neither Tancred nor William played an important part as prince of Taranto: their regnal years are never mentioned and there is no record of their activity on the mainland.

The principality of Capua.

In the autumn of 1135, the king gave the hitherto independent principality of Capua to his third son Anfusus[1] and in October made a solemn entry into Capua to receive the oath of fidelity of the magnates.[2] In spite of the clause in the oath safeguarding the rights of duke Roger,[3] Anfusus seems to have been prince of Capua in a more technical sense than his brother was duke of Apulia. His regnal year is always carefully noted and the court of the prince was more formally organised. In 1149, when William was prince, his chamberlain is mentioned in distinction to the royal chamberlain who managed the financial business of the crown.[4] The government of the chancellors in Capua, owing to the extreme youth of Anfusus, has already been mentioned, and it was not till after his investiture by Innocent II. in 1139 that the young prince took his share in public events. In this year too he became duke of Naples, after the representatives of the city made their submission at Benevento.[5] Like duke Roger, Anfusus had considerable military talent and played a conspicuous part in the expeditions of 1140, 1143 and 1144. On October 10 of this last year his career was cut short by an untimely death.[6] He was succeeded at once as duke of Naples and prince of Capua by William of Taranto.[7]

No direct information is available about the judicial powers of the princes of Capua. The principality formed the sphere of a single group of justiciars—the Terra di Lavoro of a later period—and, as in other parts of

[1] A. T. Lib. III. cap. xxvii. p. 142.

[2] *Ibid.* cap. xxxi. p. 144.

[3] Cf. *supra*, p. 274.

[4] *Cal.* No. 29.

[5] F. B. p. 247 . . . *et in his diebus cives Neapolitani venerunt Beneventum, et civitatem Neapolim ad fidelitatem Domini Regis tradentes Ducem filium ejus duxerunt, et ejus fidelitati colla submittunt.* Anfusus witnessed the diploma of Roger II. for the Capella Palatina on April 28, 1140, as duke of Naples and prince of Capua.

[6] Caspar, *Reg.* p. 554, a. gives the references for Anfusus' death.

[7] *Regestum S. Angeli ad Formas.* Monte Cassino An. 1144. Doc. lxxi, where the first year of William is reckoned in December. *Tempore domini nostri roggerii dei gratia sicilie atque ytalie gloriosissimi regis et primo anno principatus domni guiliemi filii ejus gloriosi principis Mense dec. ind. oct.*

the kingdom, they were royal justiciars. It is however possible that the princes held courts at Capua that were regarded as the supreme authority, under the king, for the principality. The only information on the subject comes from the time of Tancred, and it cannot be accepted without considerable reserve for the reign of king Roger. It is contained in the extensive privilege granted to the city of Gaeta:[1] the citizens are to be tried in civil matters by the judges of Gaeta, in criminal matters they are to go directly to the *magna curia* at Palermo, unless there should ever again be a prince of Capua, in which case they are to have recourse to his court.

Neither Anfusus nor William took any share in the financial administration of the principality, which was confided to a royal chamberlain: they did not reside continuously in their province, but are often found with the king in Sicily or in other parts of the mainland.

The general position of the princes.

The evidence regarding the government of the princes is far from abundant but, taken as a whole, it shows that they acted as the direct representatives of the king, as his eyes, hands and ears as it were, without any definite delegation of power. Although their sphere of action was chiefly military, and in a lesser degree judicial, like that of the master captains of Apulia and the Terra di Lavoro, who gradually assumed the government of the mainland in the troubled days of William I., their powers were far less regularly constituted. The contrast between the ill-defined position of the princes and the later ordered hierarchy of officials in the time of William II. is even more striking. The difference is explained by the character of Roger II., whose aim was to give minute personal supervision to all departments of state and to use his sons as the instruments when exigencies of time and space prevented his absolute ubiquity. The difficulties in the way of carrying out this ideal were considerable from the outset: indeed it was only the utter devotion of the princes and of the chancellors who supplemented their activity that made such a scheme possible. Roger might with truth be described as the well-served king.

Fresh disposition of the kingdom in 1151.

In 1151 king Roger seems to have felt the burden of advancing years and private sorrows had come fast upon him: his second wife Sibyl had died without giving him a son, and of all his legitimate children, William of Apulia alone survived. His old servants too were passing away: George of Antioch died in the winter of 1150–1, and Robert of Selby did not long

[1] *Tab. Cas.* ii. *Cod. Dipl. Caj.* cccxxxiv. p. 268.

outlive him. In these circumstances then, the king determined on a fresh disposition of the provinces. At Easter 1151, William was crowned king and associated with his father on the throne[1]: in practice a division of the kingdom was made, and Roger kept Sicily with Calabria and Capua in his own hands,[2] while the government of Apulia was made over to the young king. The history of the last years of Roger II. is obscure, but so far as formal expressions may be trusted, William at length took an active share in the government, for his name is associated with that of his father in the issue of mandates.[3]

The princes under William I. and William II.

On Roger's death William succeeded to the whole kingdom and for a time kept all the provinces in his own hands,[4] and Hadrian IV. invested him with Sicily, Apulia, and Capua at Benevento in June 1156.[5] In this month, however, he returned to the policy of his father by making his eldest son Roger duke of Apulia.[6] Two years later, Robert, the second son, was created prince of Capua,[7] but these investitures were of small importance for the history of the administration, since the young Roger was only four or five years old in 1156,[8] and Robert must have been about the same age in 1158. Roger was killed in the revolution of 1161, but the date of Robert's death is unknown. In any case it took place before king William himself died in May 1166. Two sons survived,[9] and in his last will, the king recognised the elder William as the heir to the whole kingdom, and confirmed to Henry the younger the principality of Capua, which had already been granted to him.[10] Nothing is said here or in contemporary documents of any title borne by William, and it is not

[1] *Historia pontificalis*, ed. W. Arndt, *M.G.H.SS.* Hanover, 1868, xx. 539; *Ann. Casin. M.G.H.SS.* xix. 310; R. S. p. 427. The actual date was April 8.

[2] Di Meo x. ad. an. 1151, n. 3. Capua had probably been in Roger's hands since 1149.

[3] *Cal.* No. 42.

[4] Di Meo x. ad an. 1155, n. 15. Document from Saint Blaise of Aversa: 1155 *Ind. III. m. Aprilis & iv. anno Regni D.n. Willelmi Principatum Capuae suis in manibus retinentis.*

[5] R. S. p. 429.

[6] Chalandon, ii. 263–4; cf. also Cod. Dipl. Bar. t. v. Nos. 117–119, in which the regnal years of duke Roger are noted.

[7] R. S. p. 429. *Robbertum quem Capuanorum principem ordinavit.* The date of Robert's elevation appears from two documents of 1159, Ind. VII. March and July, 8th year of King William *et secundo anno principatus domini nostri Robberti dei gratia capuanorum Gloriosissimi principis, et ejusdem domini nostri Regis filii.* (Archbishop's Archives Capua. Decina 1126–1200.)

[8] H. F. p. 52 speaks of Roger in 1161 as *novennem fere puerum.*

[9] R. S. p. 429 gives the sons of William I. *Rogerium quem ducem Apulie constituit, Robbertum quem Capuanorum principem ordinavit, Guillelmum et Henricum.*

[10] *Ibid.* p. 435 *testamentum fecit, in quo Willelmum filium suum maiorum tocius regni heredem instituit, Henrico altero filio principatum Capue, quem concesserat confirmavit.*

a little strange that the elder brother should have had no appanage, while the younger was prince of Capua. This has been explained[1] by the king's desire that the young William should not be definitely regarded as the heir to the throne. If he had been invested with the duchy of Apulia, he would have had a distinct position, and the discontented factions might have made him, as they had made his elder brother Roger, the unconscious centre of opposition to the king. If this be the explanation, it is none the less remarkable than the title of prince of Capua should have been granted to the youngest son. Henry died in the summer of 1172,[2] when he cannot have been more than eighteen years old, and there was no prince to succeed to the vacant provinces.

These investitures under William I. and William II. have no importance in administrative history, and already other means had been taken for the effective government of the mainland.

(2) *The Master Captains of Apulia and the principality of Capua and the Master Constables and Master Justiciars of all Apulia and the Terra di Lavoro.*

The growth of the office of Master Captain of Apulia and the Terra di Lavoro.

In the early years of William I. there appeared for the first time at the head of the provincial administration an official who bore sometimes the title of master constable[3] and sometimes that of master captain[4] of all Apulia and the Terra di Lavoro or the principality of Capua. He exercised the functions of viceroy on the mainland, and although the office was in its origin mainly political and military, yet from the first, judicial and administrative duties were bound up with it. After 1170 this aspect was recognised in the addition of the words 'master justiciar' to the title:

[1] Chalandon, ii. 306 [2] R. S. p. 439.

[3] *Il Chartularium del Monastero di S. Benedetto di Conversano*, ed. D. Morea, Monte Cassino 1892, i. No. 106, 1163, Dec. Ind. x. 13th year king William = 1162. *Ego Gilibertus dei et Regia gratia gravine comes et magnus comestalus totius Apulie et principatus Capue;* cf. *ibid.* No. 110, 1166 Jan. Ind. xiv. 16th year king William. *Ego Gilibertus gratia dei et domini nostri Guilielmi excellentissimi regis gravine comes et magnus comestabulus totius apulie et principatus capue.*

[4] R. S. p. 429. *Dehinc Symonem senescalcum cognatum Maionis amirati magistrum capitaneum Apulie constituit.*

H. F. p. 24. *Symonem ergo senescalcum, maritum sororis sue toti Apulie ac Terre Laboris magistrum capitaneum preficiens . . .*

Cal. No. 47, *domino Simoni regio senescalco et magistro capitaneo tocius apulie.*

Chron. Casaur. R.I.SS. ii. pt. 2, col. 1011. Grant of Gilbert of Gravina 1166, Dec. 1, Ind. xv. *Nos Gilibertus Dei, & Regis gratia Comes Gravinae & Magister Capitaneus Apuliae, & principatus Capuae.*

at the same time the expression 'master captain' gave way to 'master constable,' and throughout the remaining years of the reign of William II. the style of the governors of the mainland ran '*magister (or magnus) comestabulus et magister justitiarius totius Apulie et Terre Laboris*,[1] the Terra di Lavoro being a frequent synonym for the principality of Capua. It is noteworthy that a return was sometimes made to the form *master captain* instead of *master constable* during the troubled days of Tancred, so that on one occasion at this period master captain and master justiciar are found in combination.[2] This is of special interest because it shows conclusively that the master constables and master justiciars of the later Norman period were the direct successors of the early master captains.

The provincial administration of Apulia in the later years of William II. presented a spectacle of such symmetry and order that it appears to be the result of a definite scheme carefully drawn up by a single mind, and as carefully carried out at a single period, and yet it was evolved step by step by different minds and at different periods in obedience to the needs and circumstances of the moment.

The chancellor and the constables, 1154–1156.

The reign of William I. was a period of unrest. During the years 1155–1156, the country was laid open to invasion by the pope and by the emperor of Constantinople acting in concert with the rebellious barons of the kingdom, and it was under the stress of these events that the government of the provinces was gradually reorganised. Faced in 1155 with the necessity of providing for the defence of the mainland, William fell back on the expedient frequently adopted by his father in Capua, and, at latest at Easter of this year, he committed the administration of Apulia to Aschettin the chancellor,[3] with Simon count of Policastro the constable,[4]

[1] The earliest instance of this form belongs to the year 1171. Camillus Peregrinius, *Historia Principum Langobardorum. R.I.SS.* 1723, ii. pt. 1, p. 317. *In praesentia Domini Comitis Roberti Casertae, Apuliae & Terrae laboris Magni Comestabili, & Magni* (read *Magistri*) *Justitiarii.* The title generally runs as quoted above in the text.

[2] St. Arch Nap. Pergamene di Monte Vergine vol. xv. No. 91. A document of the year 1191, issued by the catepan of Ascoli, mentions *Dominus Berardus gentilis dei et regia gratia egregius Comes Alisine et Dominus Ugo Lupus eadem gratia illustris Comes Cupersani capitanei et magistri Justiciarii totius apulie et terre Laboris.*

[3] H. F. p. 11, *sub id temporis Ascotinus cancellarius et comes Symon cum magno exercitu in Apulia erant . . .*

R. S. p. 428 *Rex autem celebrata festivitate paschali, Ascittino Catheniensi archidiacono, quem cancelarium fecerat, Apulie amministrationem commisit.*

[4] Cf. H. F. p. 13. On the recall of count Simon *aliusque in eius locum comestabulus subrogatur:* from this passage it is clear that he bore the title of constable. It is surely safe to assume from the whole circumstances that he was the master constable of Apulia and not the master

for his colleague. It is not impossible that Aschettin had occupied the same position during the last days of king Roger, for a document issued at Bari in April 1155, mentions a court held some little time previously at Barletta in the presence of the vice-chancellor Aschettin.[1]

The mandate ordering a suit to be taken before this court was certainly issued in the names of king Roger and king William—that is between April 1151 and February 1154—but there is no means of knowing whether the court in question was actually held before or after the death of Roger. In any case the passage suggests that Aschettin was charged with the administration of Apulia before Easter 1155, the date mentioned by the chronicler. Like his predecessors Guarin and Robert, he is never given, to our knowledge, any special title beyond that of chancellor, and yet he received perhaps a more definite delegation of authority than they enjoyed. In the appointment of Aschettin, William was only following the precedent set by his father, but in joining the constable Simon with him in the command, the second step in the

constable who was one of the officials at the king's court. If this be granted, the supposition of M. Chalandon (ii. 688) that count Boamund of Manopello was master constable of Apulia, falls to the ground. The Catalogue of the Barons informs us that Boamund was constable in the region of the Abruzzi, and gives no hint that he held the higher office of master constable. M. Chalandon further cites, in support of his view, the quarrel concerning the command of count Robert of Loritello's knights at Capua in the spring of 1155. The facts as narrated by Hugo are as follows: the king, suspecting the fidelity of the count, ordered Aschettin to get him inside Capua on pretence of receiving the royal orders and then to send him a prisoner to Palermo. Robert had wind of the plan, arrived at Capua with 500 knights and firmly refused to enter the city. Aschettin was forced to come out and meet him and told him that the king's will was for him to place all his knights under count Boamund *prout feudum suum exigebat.* Robert refused indignantly, saying it was monstrous and against all custom for his knights to fight under any other leader but himself. The exact rights of the case are difficult to discover, but it may be said on Robert's side that as a count he undoubtedly should have led his own men. For the king, it must be remembered that the county of Loritello had been disintegrated from 1137, till its revival in 1154, and probably many of the count's knights had been attributed in the interval to Boamund's constabulary. Robert of Loritello might reasonably object to his men serving under a simple royal constable, but not to their being under the orders of the master constable of Apulia, the commander of the royal army. Thus further evidence is adduced against M. Chalandon's opinion that Boamund was master constable. The significant fact must also be added that he was not commanding the royal army at this moment, and count Simon was.

[1] *Cal.* No. 42 . . . *coram domino Ascetino Regio Vice Cancellario et domino Riccardo Andrie comiti et domino Gilberto de Balbano Regio magistro comestabili aliisque quam pluribus baronibus et militibus apud barolum curia congregata;* cf. K. A. Kehr *Die Urkunden der Normannisch-Sicilischen Könige,* Innsbruck, 1902, p. 80, n. 3 who regards Aschettin as having been at Barletta at the beginning of April 1155 on the evidence of this document; surely this is a misreading, for the court which issued the document bearing this date was held by the justiciars Robert Seneschal and William of Tivilla, and in the course of their judgment they mention a previous court which Aschettin had held as Vice-Chancellor. Moreover in April 1155 Aschettin was almost certainly at Capua. Cf. H. F. pp. 11, 12.

evolution of the office of master captain of Apulia as it existed later was made. At this stage of the growth of the office its functions were divided rather than shared by the two men to whom Apulia was entrusted, for Aschettin seems to have occupied the position of viceroy, while count Simon was perhaps only in command of the army. From this time onwards the office of master constable which Simon held, was forced by the political situation into pre-eminence, but it seems to have existed already in the latter days of king Roger. The earliest notice that has survived is found in the record of that same court which was held at Barletta by Aschettin some time before April 1155, for there was associated with him, amongst others, Gilbert of Balbano, the royal master constable.[1] It may, therefore, be assumed that William I. found the command of the feudal levy already centralised in the hands of a master constable, when the disturbed condition of Apulia called for a development of the governmental machinery at his disposal.

In March or April 1155, it has been seen, Simon of Policastro and Aschettin held the joint command in Apulia. The task assigned them was no easy one: the kingdom was threatened with invasion by the forces of Hadrian IV., Frederick Barbarossa and Manuel Comnenus. In the event, the German emperor did not cross the frontier of king William's dominions, but the war with the pope began in May, and during the summer the Greek army marched from Ancona to the Terra di Bari. Already too, in the spring, the first suspicions of the baronial revolt were forcing themselves on the king and his minister, who saw the terrible disadvantage of fighting a foreign enemy supported by a rebellion within the kingdom. Aschettin and Simon were ordered to seize count Robert of Loritello, whose fidelity was even then considered doubtful, and to take the field against the papal army. The partnership of the chancellor and the constable was short-lived: count Robert escaped the trap laid for him at Capua, and before ever the Sicilian army saw active service Simon and Aschettin had quarrelled. The former was suspected of sympathy with the count of Loritello: he was summoned to court, apparently before the end of May 1155, and another constable was appointed in his place.[2]

The name of his successor is not definitely stated, but certain

[1] Gilbert died in 1156 (Haskins, p. 659 and n. 221), but he must have resigned his office before this to make room for count Simon.

[2] H. F. p. 13.

conjectures may be hazarded. We know that Aschettin after defeating the papal forces turned south to meet the troops which the Greek emperor had sent to invade Apulia. This campaign receives scant notice from the Latin chroniclers, but on the other hand the Greek historian Kinnamos gives a minute account of the operations. At the very first, count Richard of Andria is mentioned as playing an important part by the side of Aschettin,[1] but he was killed at the battle of Andria in the late summer of the same year.[2] It is possible that he was master constable, but no confirmation from any source is forthcoming. Two other commanders Κάστρος[3] and Φλαμίγγος[4] appear frequently at the head of the Apulian troops. The latter may well be identified with Roger the Fleming[5] who was royal constable and justiciar at Mottola in March 1155. He may have been made master constable[6] in succession to count Simon, but it seems more probable on the whole that Κάστρος who is described as *ἀνὴρ ἐπιφανής*,[7] held that office. It is not by any means unlikely that he was that Peter of Castro Nuovo who was *capitaneus Apulie* at the time of the mission of Robert of St. John to Venice.[8] The date of this episode is uncertain. M. Chalandon[9] and Signor Siragusa[10] both incline to place it

[1] Kinnamos, Lib. iv. 4. pp. 141, 143, 144; iv. 6. p. 148.

[2] *Ibid.* Lib. iv. 4. p. 144. [3] *Ibid.* Lib. iv. 5. p. 145.

[4] *Ibid.* Lib. iv. 8. pp. 152, 153; iv. 9, 156, 157. [5] *Cal.* No. 41.

[6] Roger is mentioned together with Peter of Castro Nuovo, in the judgments quoted below, as occupying an important position in the court: in the first document neither Roger nor Peter has any specific title, but in the second Peter alone is qualified as *magnificus capitaneus*. The question whether Roger too was *capitaneus* must be left open: it may be added that generally two *capitanei* were in office at the same time, *e.g.* Simon the Seneschal and the Admiral Stephen, and in the reign of William II. it was the rule to have two master constables and justiciars acting together.

[7] Kinnamos, Lib. iv. 5. p. 145. [8] H. F. p. 67. [9] Chalandon ii. 192.

[10] G. B. Siragusa, *Il Regno di Guglielmo I. in Sicilia*, Palermo, 1885, pt. i. 118–9; and H. F. p. 67, n. 1. The chancery being vacant, the story told by Falcandus runs, William I., on his own initiative, wanted to give the office to Robert of St. John, a canon of Palermo. Maio, however, having different designs, sought to get Robert away from the court on the honourable pretext of an embassy to Venice. The plan did not stop here, for the admiral wrote to Peter of Castro Nuovo, who was at that time captain in Apulia, to order him to give Robert unseaworthy ships, so that he might be conveniently drowned. The archbishop of Trani, however, disclosed the plan to the canon, and he in order to escape the plot chartered a ship and sailors at his own expense and came safe to Venice. It has recently been considered that these events belong to the period of the vacancy in the chancery which followed the appointment of Maio as great admiral sometime before June 1154 and that the embassy to Venice referred to, was the one which resulted in the treaty drawn up before the death of doge Domenico Morosini in Feb. 1155. No other embassy to Venice belonging to the reign of William I. is known, and it is maintained that the rest of the evidence fits well. Against this view it may be urged that the vacancy in the chancery referred to was, more probably, that caused by the imprisonment of Aschettin in the spring of 1156. At the time of Maio's vacation of the chancery, there is reason to suppose that Aschettin already had the title of vice-

between June 1154 and Febuary 1155, but there is some little ground for suggesting a period after April 1156. This date agrees far better with the other evidence concerning the time of Peter's command in Apulia than does the earlier one mentioned above. He appears twice besides in judicial documents: in November 1157 together with Roger the Fleming he was present at a court summoned by the master chamberlain Virsacius to decide the quarrel of the men of Corato and their lords concerning feudal aids;[1] and again in a fragment bearing the date 1158[2] a suit brought before Roger the Fleming and *Petro castri Maris magnifico Capitaneo* is mentioned. This fragment is preserved in a document of exactly one hundred years later and is printed by Ughelli. It is not unreasonable to read *Castri Novi* for *Castri Maris* and *magistro* for *magnifico*, especially as the word *magister* is frequently wrongly transcribed.

The campaign against the allied Greeks, pope and rebels continued till the summer of 1156. Before April, Aschettin lost the confidence of the king and was thrown into prison. During the summer William himself commanded the army in Apulia. In June the treaty of Benevento was signed with Hadrian IV. and the king prepared to return to Sicily, after making suitable dispositions for the government of the mainland. According to Romuald and Hugo Falcandus, Simon the royal seneschal and brother-in-law of Maio was made master captain of Apulia and the Terra di Lavoro in July or August, 1156.[3] In this connexion the chroniclers make no mention of Peter of Castro Nuovo, but if the

chancellor, since in the judgment of April 1155 issued by the justiciars at Bari (*Cal.* No. 42) a previous court under the presidency of the royal vice-chancellor Aschettin is mentioned. This court must have been held at the end of Roger's reign or the beginning of William's, and if Aschettin was already vice-chancellor it would have been unusual, to say the least, to have passed him over and to have given the chancery to another. It may be noted in passing that the date at which Aschettin was made chancellor seems generally to be placed too late: March 1155 is the usual date given, but Romuald of Salerno when he says that at this time Aschettin was made governor of Apulia, adds that the king *had* made him chancellor—that is, at a previous date. After the fall of Aschettin, the chancery was, as a fact, not filled up, in accordance with Maio's policy of uniting the post of chancellor *de facto* with that of great admiral, and so keeping all the threads of administration in his own hands. It may be urged that this was a more likely occasion for the king to assert himself and put forward a candidate of his own than at the previous vacancy when Aschettin was waiting to fill it. Moreover, Maio is said to have represented to William that Robert should have the chancery on his return from Venice: yet, if the autumn and winter of 1154–5 were the date of the embassy, the treaty being signed in February 1155, it is somewhat strange that the vacant office should be filled during his absence. The story told by Falcandus shows that Maio planned that Robert should never return, but he could not be sure that the plot would succeed.

[1] *Cal.* No. 46. [2] *Cal.* No. 46. a. [3] R. S. p. 429; H. F. p. 24.

two judgments in which he took part are taken into consideration he must have continued in office with the title of *magister capitaneus* till the autumn of 1157. Hence Peter and Simon shared the duties of master captain for over a year.

The master captains of all Apulia and the principality of Capua.

Aschettin was the last chancellor to govern the mainland, and with the appointment of Simon the seneschal, the first governor of Apulia to describe himself by the territorial title, the new office may be considered to have entered on the second stage of its development. During this period, which extended till 1169, the most usual form of the title is *magister capitaneus totius Apulie et principatus Capue*, although between 1160 and 1166 *magister comestabulus* makes its appearance.[1]

Simon the seneschal remained in office till November 1160, when the fall of Maio dragged down all his relatives from their high positions. Several documents exist which describe Simon's judicial activity while he was master captain. The record of a suit held at Modugno in January 1158[2] mentions the letters issued by Simon together with the master chamberlain Virsacius and the justiciar Geoffrey to the catepan of Modugno, ordering him to answer to an accusation of oppression before the judge of that place. At some period not specified, Simon appears issuing letters to the chamberlain Samarus to hold an inquest concerning a claim preferred by the abbot of S. Bartholomew of Carpineto to certain castles in the Abruzzi,[3] and on another occasion he heard in person a suit between the citizens of Teano and Sessa about their right to the waters of Sessa.[4]

In May 1158 Simon's colleague was the admiral Stephen, Maio's brother,[5] who had commanded the expedition against the Greek emperor in the spring and summer of 1157. It may be assumed that Stephen replaced Peter of Castro Nuovo as master captain between November 1157 the date of a court held by Peter, and May 1158 when Stephen issued a privilege in favour of a man at Salpi.

Stephen and Simon were regarded by the opponents of Maio as the representatives of his policy of crushing towns and barons alike. As the conspiracy against the admiral developed, their position in Apulia became increasingly difficult: Melfi refused to receive the captains because Maio

[1] Cf. *supra*, p. 282. [2] *Cal.* No. 47. [3] *Cal.* No. 50. [4] *Cal.* No. 36.

[5] *Cal.* No. 48; H. F. p. 31. *Stephanum quoque fratrem suum, qui militibus in Apulia preerat, ut comitis Roberti crebros impetus sustineret, sepius admonens hortabatur, ut amplioribus stipendiis militum sibi mentes alliceret. . . .*

had appointed them,[1] the fidelity of the troops under their command wavered before the attacks of Robert of Loritello, and Simon was forced to take refuge in a strongly fortified town.[2] With the assassination of Maio they were deprived of their office, and were succeeded in 1161 in the command of the army and the administration of Apulia by Gilbert, count of Gravina,[3] and Aquinus of Moac.[4] The latter was soon superseded by Richard de Say,[5] and Gilbert and Richard continued to govern Apulia during the remainder of the reign of William I. and during the regency of queen Margaret. The count of Gravina, who describes himself at first as master constable and later as master captain of all Apulia and the principality of Capua, played a prominent part in the troubled political life of his day: on the death of William I. he aspired to govern the whole kingdom, but was forced to be content with his former office on the mainland.[6] In 1169, however, he was deprived of the captaincy and compelled to leave the country.[7] One of his judicial acts has come down to us, preserved in the chronicle of the ever litigious S. Clement of Casauria, who seems to have suffered much at the hands of Boamund II. of Manopello. Already the monastery had sought redress at the hands of Simon the seneschal when he was master captain, but in spite of a legal victory, a fresh complaint was made before count Gilbert at Foggia, and once again the saint *rationabiliter devicit & superavit*.[8]

The same chronicle contains another act of Gilbert, belonging to the year 1166 (December 1), but it is administrative rather than judicial, since it grants permission to the monastery to transfer certain men from the city of S. Angelo to the castle of S. Moro.[9] Of Richard de Say we know little except that he was an energetic general, well-known for his proved fidelity, and that he was the chief figure in a divorce case narrated by the scandal-loving Hugo. In 1167 the regent Margaret made him count of Fondi,[10] and in 1172 he is called count of Gravina, as well as master constable and master justiciar of all Apulia and the Terra di Lavoro, a title he shared with Robert of Caserta.[11] Together with Roger of Albe

[1] H. F. p. 29. [2] H. F. p. 31. [3] H. F. p. 75. [4] R. S. p. 432.

[5] *Ann. Ceccan. M.G.H.SS.* xix. 285, and R. S. p. 434.

[6] H. F. pp. 97, 101. Gilbert is actually described in the *Chron. Casaur. R.I.SS.* ii. pt. 2. col. 903, as *Magistro Capitaneo, & gubernatore totius regni.*

[7] H. F. p. 162; R. S. p. 437; *Ann. Casin. M.G.H.SS.* xix. 312.

[8] *Chron. Casaur. R.I.SS.* ii. pt. 2. col. 903. [9] *Ibid.* p. 1011. [10] H. F. pp. 108, 162.

[11] Archives of Monte Cassino, caps. 101. fasc. v. No. lxi. Record of a judgment delivered by the judges of Sora in a court held by Adenulf the royal chamberlain in Sept. 1173, concerning

he carried out the task of driving his former colleague Gilbert from the kingdom. From this time onwards the office of master captain entered its third phase with the change in title to master constable and master justiciar of all Apulia and the Terra di Lavoro.

The title of the master captains.

In tracing the growth of their office, the title of the governors of the mainland has been already noticed from time to time, but it will be useful to summarise the varying forms that were used. During what may be called the experimental period, up to 1156, the government was committed to Aschettin the chancellor, who had no special title. Associated with him at first was Simon of Policastro, who is called constable. On his fall, it is related, another was made constable in his place, and this other, it has been seen, was probably Peter of Castro Nuovo, *capitaneus Apulie*, or *magister capitaneus*. Thus it would seem that captain and constable were titles equally applicable to the new governor. During the

the right of exemption from payments of corn, barley, and wine from the churches of S. Mary, S. Dominic, and S. German at Sora. Reference is made to previous stages of the litigation, and a writ of William II. addressed to *Ric̄ ð say g̈uine com̄. & Roð casēr com̄ mag̃ Comēst. & māg justiciarii tocius apulie et t̄re laboris fidelibus suis . . . data panōr xii die m̄sis oc̄ Indic̄ vi* = Oct. 12 1172, is given in full. It must be noticed however that the words *Ric̄ ð say . . . justiciarii* are written upon an erasure, and the case of the last word is incorrect. Besides this there is an apparent diphthong once in the word *ecc̄tæ* and an accent on *unā cum prephato camerario*. Otherwise there does not seem to be anything suspicious about the formulae or contents of the document. The hand is a late form of Cassinese Lombardic and is losing the earlier precision of this writing, as it undoubtedly did in the second half of the twelfth century.

Richard of Aquila, the former count of Fondi, probably returned from exile at the same time as Robert of Loritello in March 1169, and Richard de Say would have to give up the county to him: it is reasonable to suppose, in the absence of direct evidence, that Richard de Say received in exchange the county of Gravina, which was vacant owing to the expulsion of count Gilbert.

A copy of an unedited diploma of Constance, 1196, May, Ind. 14, Palermo, for Nycodemus archimandrite of S. Maria di Patirio, preserved in the State Archives Naples, Processi di Regio Padronato 1080. f. 8, records a judgment given by *Ric̄ de Say tunc temporis magistro com̄. et Justic̄. In quo continebatur, quod cum ipse apud sanctum Maurum, in Ecclesia Sanctę Marię de Josaphat cum Baronibus, Judicibus, Militibus, et aliis probis viris Vallis Gratis, vallis signi, et Calabrię de mandato Regio Curiam teneret, accessit ad p̄sentiam suam Blasius venerabilis Abbas de Patiro conquerens de Bajulis . . . et Catepanis Russani, quod ipsi contra tenorem privilegiorum ducis Rogerii, et domini Regis Rogerii Patris nostri sanctę, et inclitę recordationis trahebant coram se ad justiciam faciendam homines monasterii de Patiro . . . glandaticum, et herbaticum capiunt, quę monasterium ipsum habere semper et percipere consuevit.* Richard de Say, '*inquisita diligenter per probos homines*,' confirmed the diplomas of duke Roger and king Roger. From this document it appears that after being master constable and justiciar of Apulia and the Terra di Lavoro, Richard de Say held the same office in Calabria, the Val di Crati, and Val di Sinni. He had died before 1178, for di Meo (x. ad an. 1178. n. 6) mentions Teodora Contessa, vedova del C. Riccardo (di Gravina). Chalandon (ii. 431) mentions Tancred de Saye, count of Gravina, as a supporter of Roger of Andria, one of the competitors for the crown on the death of William II. Chalandon also refers to documents issued by Tancred in the Archives of Cava of the years 1185, 1187, and 1188.

second phase of the development of the office from 1156–1169, the most usual form is *magister capitaneus totius Apulie et principatus Capue.* The territorial title is always given, so that the whole of the mainland provinces of the *regnum*, with the exception of Calabria and its dependent valleys,[1] obeyed the master captains. Simon the seneschal and the admiral Stephen always describe themselves by this extended form, and Hugo Falcandus refers to them invariably as captains. On one occasion Simon is called *praepositus universi regni* in the Chronicle of Carpineto, but neither he nor Stephen ever bore the title of constable. Yet, so far as can be learnt from the available information, they fulfilled the duties of the constables, since Simon habitually led the army in the field and Stephen is actually described *qui militibus in Apulia praeerat.* On Simon's fall, the command of the army was given to Gilbert of Gravina, who described himself in 1162 and again in January 1166 as *magnus comestabulus totius Apulie et principatus Capue.* William I. died in May of the latter year, and Gilbert aspired to govern the whole kingdom with the title of *magister capitaneus totius regni.* Queen Margaret refused to grant him this position, and finally in order to rid the court of his presence made him *capitaneus Apulie et Terre Laboris* a title which he bears in a diploma issued by him in December of this same year, 1166. The question then arises, did Margaret only confirm to Gilbert the office he had previously held under William I., or did the office of master captain differ from that of constable? It should be noticed further that Hugo Falcandus, writing of events which took place during the first months of the regency, describes Richard de Say, Gilbert's colleague in Apulia since 1162, as *Apulie diu capitaneus et magister comestabulus;* the fact, then, that in 1166 he had long been captain and constable disposes of any temptation to see a conscious antithesis between the two titles.

General position of the master captains: Viceroys and commanders-in-chief.

The office of master captain has been regarded as exceptional and occasional and in no sense as forming a permanent part of the provincial

[1] The full description of the Calabrian provinces ran: *tota Calabria et Vallis gratis et vallis signi atque Vallis Marsici*; they comprised all the country south of a line, roughly speaking, drawn between the Rivers Sinni and Agri. Thus it appears from the Catalogue of the Barons, which does not include the Calabrian provinces, that Tursi, Missanello, and Spinosa, in the valley of the Agri, belonged to the group of provinces described officially as all Apulia and the Terra di Lavoro (cf. *Cat. Bar.* p. 574, arts. 125, 129, and 105). Places further south do not appear in the Catalogue. On the other hand a document of 1163 (*Cal.* No. 58) tells us that Sarconi, only a little south of the places mentioned above, and also in the valley of the Agri, belonged to the jurisdiction of the master chamberlain of all Calabria and the valleys of Crati, Sinni, and Marsico.

administration. Yet the foregoing sketch of the governors of Apulia has shown that it was continously filled in fact, if not always in name, from the time of Aschettin onwards. The governors combined the duties of viceroy and of commander-in-chief on the mainland, and it may be that the title of master captain represented rather the viceregal aspect of their office, and that that of master constable expressed the more ordinary military command. Perhaps, too, the master captain received a fuller commission, with a more complete delegation of royal power. However this may be, it is impossible to distinguish in practice between the precise powers of a captain and a constable: both commanded the royal troops and both exercised extensive judicial and administrative powers.

There does not appear to be any justification for turning the word *capitaneus* into *catepan*, and so tacitly regarding the Norman captains as the conscious successors of the old Greek governors of Apulia.[1] In the first place the *magistri capitanei* were created to meet a special combination of circumstances, and there are no apparent links to connect them with the Byzantine past: secondly, they are invariably called *capitanei* in chronicles and documents alike, and never *catepani*. This last word was quite well known as the title of the bailiff in many Apulian towns and often appears in the Latin documents of the twelfth century, so that *capitaneus* need not be regarded as a Latin equivalent of the Greek κατεπάνω. Indeed in more than one instance both words appear in the same document with distinct meanings. A judgment of 1158 may be quoted in illustration, in which Simon the seneschal *magister capitaneus totius Apulie* ordered Blaise *catepanus* of Modugno to appear in the king's court.[2]

Military, administrative and judicial functions.

The master captains or master constables, of whom there were generally two acting together, combined both civil and military functions. In their military capacity they controlled the constables of the different districts of the kingdom and commanded the army in the field. In their administrative capacity they issued orders to the chamberlains and granted fiscal privileges.[3] In their judicial capacity they presided over the highest provincial court of justice, and issued orders to the civil and criminal magistrates, the chamberlains and justiciars. Not many records of the judicial acts of the early master captains have survived, but such as remain show a considerable variety in the methods of action employed. On one occasion the aid of Simon the seneschal was invoked in order to bring a

[1] Chalandon ii. 676. [2] *Cal.* No. 47. [3] *Cal.* No. 48.

royal bailiff to justice: the prior of S. Lawrence of Aversa with the provost of S. Angelo of Frassineto carried their case before Simon, Virsacius, the master chamberlain of Apulia, and a justiciar Geoffrey, complaining that Blaise, the catepan of Modugno, had unjustly seized animals and oil belonging to S. Angelo, on the ground that they were a rent due to the state. Simon issued letters ordering the catepan to restore the goods seized and a *compellacio* commanding him to appear in the royal court at Modugno to make good his claim in a legal manner. In this case, then, the master captain's court issued a mandate against a royal official ordering him to restore possession to the aggrieved party, before the question of right could be considered. The suit was finished in the judge's court of Modugno in favour of the Church, and nothing more is said about the action of the master captain.[1]

On another occasion Berard of Brittoli brought a suit before Simon the seneschal to recover the castles of Fara and Carpineto from the abbot of S. Bartholomew of Carpineto. The abbot urged his counter-claim, and Simon, desiring to know whether Berard or the abbot spoke the truth, ordered Samarus the royal chamberlain to hold an inquest. The chamberlain caused four men of Brittoli and as many of Carpineto to appear before him: *hi jurati dicere veritatem pariter & concorditer sunt testati* that Fara and Carpineto belonged to the monastery. This testimony was sent to Simon by Samarus *literis suis proprio sigillo signatis*; he recognised the right of the church and received it into the demesne of the king under royal protection. All this was noted in the quaternions for the benefit of posterity and Simon *propriis literis* informed the king of the matter, who had it drawn up in a public instrument and given to the abbot.[2] This case is interesting because Simon issued orders to a chamberlain, and commanded a sworn inquest. In most cases it would seem that the king himself had the prerogative of ordering an inquest, so that the master captains must have enjoyed a very full delegation of royal power.

Another interesting and protracted suit was preferred by the abbot of S. Clement of Casauria against count Boamund II. of Manopello, concerning the rights of S. Clement over the churches and men belonging to the abbey, within the bounds of the county of Manopello. The abbot sought redress from Simon the seneschal and Gilbert of Gravina in

[1] *Cal.* No. 47. [2] *Cal.* No. 50.

succession and on both occasions the rights of the church were vindicated. From these suits it is evident that the counts were included in the jurisdiction of the master captain, as well as the royal bailiffs, while the chamberlains were bound to lend their aid. It may safely be assumed that the justiciars too were subject to the authority of the master captains, but no information on this point has survived. The only hint on the subject which we have is that the justiciar Geoffrey formed part of the court of Simon the seneschal and the master chamberlain, when the prior of Aversa sought a mandate in 1158. The later master constables and master justiciars, who were the successors of the master captains certainly exercised a control over the justiciars and issued orders to them, while the justiciars were often members of the master constable's court.

The actions brought before their court were, like most of the civil actions of the time, which have been recorded, possessory or proprietary actions, but the interests involved were of greater importance than in those cases which were brought before the justiciars or the chamberlains.

An interesting question arises to which the material at our disposal does not fully supply an answer: did the various suitors whom we have seen applying to the master captain come to his court as a court of first instance owing to the greatness of their opponents, or were these suits really brought before him owing to "defect of justice" in the lower court? There is no mention of previous litigation in the records of the cases that have survived, but we know that in suits brought before the justiciars previous recourse had been had to the court of the judge of a town, even when the record of the judgment makes no mention of it. It can only be definitely stated that the master-captain had jurisdiction over counts, royal bailiffs and town communities.

The master captain's court.

The composition of the master captain's court cannot be defined with any great degree of precision. Once we find the master chamberlain of Apulia, Virsacius, and a justiciar associated with Simon the seneschal and apparently occupying a subordinate position: on another occasion we find Peter of Castro Nuovo, who almost certainly was a master captain at the time, though the title is not given him, taking part in a court held by the judges of Barletta in the presence of Virsacius the master chamberlain. Besides Peter of Castro Nuovo, Roger the Fleming and many other knights and barons were present. It is difficult to apportion the share taken by all these officials. The

document was drawn up by order of the judges, and they with the council of Peter and Roger pronounced the judgment, yet the chamberlain was regarded as the most important person present and directed the proceedings. On the whole then this court should be regarded as one held by the master chamberlain, especially since the writ instituting the proceedings was addressed to him by name and he summoned the respondents in the case.[1]

As a rule the master captain's court would be composed of the justiciars and barons of the neighbourhood and the judges of the town in which the court was held.

(2) *The Master Chamberlain of all Apulia and the Terra di Lavoro.*

Early in the reign of William I. the master chamberlains of Apulia and the Terra di Lavoro and of Calabria and the valleys make their appearance for the first time. There is no trace of these officials under Roger II., and the date at which they are found for the first time coincides with the period of development in the administrative system under the government of Maio. These master chamberlains must be carefully distinguished from the *magister camerarius palatii*, the head of the whole financial administration of the *regnum*. The provinces of the mainland were divided into two unequal portions, and a master chamberlain was placed over each with the lengthy title of *Magister camerarius* or *Protocamerarius tocius Apulie et Terre Laboris*[2] and *Magister Camerarius tocius Calabrie et Vallis Gratis et Vallis Signi atque Vallis Marsici*.[3] A certain Virsacius was entrusted with the oversight of Apulia and the Terra di Lavoro in matters financial between 1157 and 1164;[4] he was followed by the master chamberlain John in 1167.[5] The province of all Calabria and its dependent valleys—that is—all the country from the straits of Messina to the river Agri was under the master chamberlain Guy of Ripitella in 1163, but our concern is with the Apulian province. After 1167 the master chamberlains disappear completely for nearly thirty years, and it is not till 1194 in Calabria[6] and 1201 in Apulia[7] that these officials are again found.

[1] *Cal.* No. 46. Cf. p. 298, where this case is more fully discussed.
[2] *Cal.* Nos. 46, 47, 57.
[3] *Cal.* No. 58.
[4] *Cal.* Nos. 46, 47, 57, 59.
[5] Gattola, *Access.* i. pp. 262, 263.
[6] Trinchera p. 322, No. 239. 1194 ind. xiii. Dec. Gerace.
[7] Winkelmann, *Acta Imp. Ined.* i. 79. No. 87.

Personnel.

It seems impossible to learn anything of the previous or later history of the few master chamberlains of the Norman period whose names have come down. The form of the name Bersacius or Virsacius suggests that its bearer may have been one of the Greek or Arabo-Greek officials of the *duana*, and it recalls the name of *Mataracius* who was master of the *duana baronum* and chamberlain of the palace in 1177. This view that the master chamberlain Virsacius was a Greek is confirmed by the grant of land made by him at Salerno in 1163, since it is probable that it is his signature which is represented by the words : † . . . . *Graecis litteris*.[1] As to the master chamberlain John, the name obviously tells nothing, but that he too was a Greek may be concluded from the fact that he signed in Greek ; this circumstance suggests his possible identity with John the chamberlain of the Terra di Bari, who also signed in Greek in 1164.

Tenure.

The appointment of master chamberlains would seem from the case of Virsacius to be for a term of years, but we do not know in whose hands the appointment was vested in the Norman period. Under Frederick II. it was made *a curia nostra*, but probably at the institution of the office, the king himself made the appointment directly, for Virsacius calls himself master chamberlain *dei et regia gratia*, thus suggesting the personal action of the king.

Functions of the master chamberlains of Apulia and the Terra di Lavoro.

The position of the master chamberlains was parallel, in the department of finance, to that of the master captains or master justiciars of all Apulia in the sphere of justice : they were charged with the supervision of the chamberlains just as the master justiciars were supreme over the justiciars in the different regions of the kingdom, although they had no viceregal attributes. The difference between the two classes of officials is shown in the orders which the master justiciars issued from time to time to the chamberlains, while it does not appear that the master chamberlains controlled in any way the ordinary justiciars, although these last are occasionally found forming part of the master chamberlain's court. This happened in 1167 when Andrew of Roccaromana was present at a suit heard by the master chamberlain John. Sometimes too, in the early days of both offices, master chamberlain and master captain sat together in the same court.

(i) Administrative duties.

The functions of the master chamberlain of Apulia and the Terra di Lavoro were, like those of the subordinate chamberlains, administrative and

[1] *Cal.* No. 57.

judicial. On the administrative side they controlled the chamberlains and bailiffs and were responsible for the collection of dues and taxes. Moreover they were competent to make grants of land without having received any express order from the *curia*.[1] An instance of the relation between the master chamberlains and their subordinates is found in the career of Virsacius. In 1164[2] two brothers, Ducatus and Cricorius, sons of Matthew of Noia, had claimed unjustly from Stephen Camelo the rector of S. Nicholas at Bari all the moveable and real property of their uncle. Since their claim was disallowed Virsacius ordered them to go before the king's court at Trani, over which John the chamberlain of the Terra di Bari was presiding, there to make a complete renunciation of their claim. The master chamberlains must have exercised an efficient control too over the bailiffs, for according to a constitution of one of the Williams, the sale of the office of bailiff was in their hands. Owing to the scanty records of the activity of master chamberlains it is impossible to illustrate their dealings with the bailiffs in any detail. One notice only throws any light on the question and here the master chamberlain together with the master captain issued an injunction to a refractory catapan to appear before the judge of his town to answer the charges brought forward by those who had a grievance against him.[3]

A reference to the collection of taxes by the master chamberlains is made in the history of Hugo Falcandus, where it is narrated that queen Margaret, on the death of William I., wrote to the master chamberlains to forbid them henceforward to collect anything further by way of the tax known as the *redemptio*.

(ii) Judicial duties.

Three judgments only given by master chamberlains are known to have survived from the reign of the first two kings, and from this scanty material the question of the judicial powers of the master chamberlains has to be decided. A certain amount of help is given by the constitution of Frederick II., which says that appeals from the chamberlains in Norman times were heard by the justiciars, hence the notion that the master chamberlains formed a court of appeal from the ordinary chamberlains, must be abandoned. For the rest, the constitution attributes the same judicial powers to the master chamberlains and the chamberlains. The three judgments referred to have this much in common, that the master chamberlain always receives a royal writ ordering him to take cognizance

[1] *Cal.* No. 57. [2] *Cal.* No. 59. [3] *Cal.* No. 47.

of the case and secondly, in two out of three instances, the case was brought at some previous stage before the king's court, or the king in person; these features, however, are to be found in many records of contemporary judgments. In the case heard at Barletta by Virsacius in 1157[1] the matter in dispute was distinctly of a feudal nature, so that the competence of the master chamberlains in feudal affairs must be admitted. The case was begun by reading a royal mandate explaining the dispute that was raging between the men of Corato and their lords, as to the right of the latter to levy an aid, and to forbid the alienation of property acquired after the fiefs were assigned, and ordering the master chamberlains to do justice. In the subsequent hearing, the men gained all along the line, and were declared free from any obligation to give an aid, since they were bound to pay an annual rent agreed on at the time the fiefs were assigned, while their right to alienate goods acquired since the apportionment of fiefs was established. At Sarconi in 1163[2] the master chamberlain of Calabria and the Valleys was ordered to settle a long-standing suit between the monastery of S. Elias of Carbone and the lords of Sarconi whose ancestors had wrongfully disseized the church of S. James of a certain tenement. Restitution was ordered by the chamberlain.

Finally, the case decided at Sessa in 1167 by the master chamberlain John also concerned the possession of a tenement belonging to Monte Cassino, wrongfully invaded in defiance of a judgment given by king Roger in person. Thus, except in the instance of the feudal matters debated at Barletta, there seems to be nothing to distinguish these cases from many others pleaded before ordinary chamberlains.[3]

The court of the master chamberlains.

Like other provincial officials, the master chamberlains at first seem to have sat in the court of a city or town together with the judges of that town, but in course of time a more regularly constituted court emerges, belonging properly to the master chamberlain, who was assisted by a judge of his own as assessor. Thus in 1167 John was ordered by royal letters to do justice in accordance with a former royal sentence in regard to an action which abbot Theodinus of Monte Cassino had brought concerning certain tenements at Pontecorvo. A court accordingly was held at Sessa over which the master chamberlain presided, with the assistance of Andrew of Rocca Romana, the royal justiciar, and six knights, the master judge and the judges of Capua, Simon, 'judge of the

[1] *Cal.* No. 46. [2] *Cal.* No. 58. [3] Cf. *infra*, pp. 404–7.

court of the aforesaid lord master chamberlain,' the judges of Sessa and other knights and priests.

The masters of the duana on the mainland.

It is a circumstance worthy of attention that for the ten years from 1157 to 1167, four documents issued by master chamberlains of Apulia and one by a master chamberlain of Calabria have survived, whereas after the latter date no records of their activity are forthcoming till the reign of Henry VI. The question then arises whether the disappearance of the master chamberlains is apparent only, owing to the absence of documents, or whether the office was in truth abolished at the end of the minority of William II., a period that saw considerable changes in the chief ministers of the crown. The argument from silence is always a dangerous one, but it is scarcely credible that no record of the master chamberlains should be known in a period so rich in documents of every sort as the last twenty years of the reign of William II., if these officials were still in full activity. The theory that the office was abolished is strengthened by the appearance of the masters of the *duana* or central bureau of finance, for the first time in the provinces of the mainland, at the very period when the master chamberlains disappear from view ; the last time that a master chamberlain is found is in 1167, and in 1174, Eugene a master of the *duana* is engaged in royal business in the principality of Salerno. The conclusion is irresistible that the duties of the master chamberlains were taken over by members of the central financial office. Further confirmation of this theory of the transfer of powers to the masters of the *duana* may be gathered from an examination of the business transacted by them on the mainland, since such an investigation shows a great resemblance in the competence of the two groups of officials.

Like the master chamberlains, the masters of the *duana* held courts for the despatch of important judicial business,[1] they issued orders to the

[1] Illustrations of the judicial activity of the masters of the *duana* are found in documents of 1174 and 1177 : in September, 1174, *Eugenius magister regie duane baronum curiam congregavit* in the castle of Terracina at Salerno in the presence of the stratigotus and judges of Salerno to hear an action brought by the stratigotus *pro parte rei puplice* against John, judge of Amalfi, son of Sergius Neapolitanus and Ebolus acting for his father Marinus Neapolitanus, royal justiciar and constable, because they had entered *malo ordine* land belonging to the state in the jewry of the city. The defendants brought instruments to prove their right to the land and place in question and judgment was given against the stratigotus. Chartolarium Amalphitanum . . . cura Matthaei Camera f. 147 : extr. Camera : *Memorie* i. 364, n. 2 : printed by Perla in *Archivio Storico Napoletano* ix. 346.

Again in June, 1178, the same *Eugenius magister Regie Dohane baronum et de secretis* assembled a court at Nocera to try a case between the men of Amalfi and the men of Ravello

chamberlains and bailiffs [1] and exercised a general control over them ; [2] and they made grants of land.[3] Besides these duties which the surviving evidence shows to have been fulfilled at one time by the master chamberlains, the masters of the *duana* were further charged with examining the accounts of the bailiffs and acting as a travelling court of audit.[4] Their work was conceived on broad lines and consisted in remedying any serious failure of justice and in exercising a general supervision over the subordinate officials.

concerning the jurisdiction claimed by both over the men of Forcella : Eugene had received orders from *Gualterius de mohac Regii fortunati stolii ammiratus et magister Regie duane baronum et de secretis* to settle the dispute *iudicio curie*, because of the length of time during which it had been raging. It appeared in the course of the suit that it had already come before bishop Leonard of Capaccio, royal justiciar, and before Walter of Moac at Minori. The difficulty in the way of a settlement was the refusal of the men of Ravello to accept trial by battle, to plead except before their own judges, or to admit the testimony of any but Ravellese against them, in virtue of privileges of William I. and William II. Possession of the jurisdiction over Forcella was granted to Amalfi, but the question of proprietary right was postponed pending the decision of the claim of privilege. The case continued at another court held by Eugene at Minori in September, 1178, and in the course of pleading the men of Ravello referred to another dispute with the men of Atrani which was decided by admiral Walter of Moac at Atrani at some period before July, 1177. Camera, *Memorie*, p. 364 *seq.*

[1] In April 1187 a letter of *Guillelmus filius Johannis*, royal chamberlain of the Terra di Lavoro, to the bailiff and consuls of Gaeta explains that he had received orders from Eugene *magister Regie duane baronum* to publish a royal constitution throughout his camerariate, granting freedom from tolls in the royal demesne. (Minieri Riccio, *Saggio di Codice Dipl.* Supp. pt. i. p. 21.) In May, 1178, Walter of Moac *regii fortunati stolii amiratus et magister regie duane de secretis et duane baronum*, forbade the oppressions of the bailiffs of Sarno. (Haskins, p. 445 (2)).

[2] While Walter of Moac *regii fortunati stolij ammiratus et magister regiae duanae de secretis et duanae baronum* was at Barletta on royal business in February 1179, Joachim, abbot of S. Mary of Corazzo produced a mandate from king William to Walter explaining that the abbot had brought into the king's court two writings of the boundaries of lands which the king had formerly granted to the monastery *asserens te divisas ipsas a camerariis ipsius contrate fieri et terminari fecisse*, desiring to have a privilege drawn up giving the boundaries. This king William now ordered Walter to do, and after he had learnt the truth *per litteras camerariorum, et testimonio bonorum hominum et inquisitionem nostro mandato factam proprios fines ipsarum terrarum praesenti privilegio duximus declarandos.* At Strongoli, Buda, Maida, drawn up by *Apollinis nostri notarij.* (*Carte delle abbazie di S. Maria di Corazzo e di S. Giuliano di Rocca Fallucca in Calabria*, No. IV. p. 275, 13 Feb. 1179, in *Studi e documenti di Storia e Diritto*, xxii. Rome, 1901.)

[3] In 1179 Hugh of Belmesia, royal chamberlain of the Val di Crati, narrates that Joachim, abbot of St. Mary of Corazzo *in terra . . . Gvalterij regii amirati, et regiarum sabaduatiarum Magistri*, lodged a complaint with the admiral to the effect that he had been disseized of certain lands at Strongoli which he held in virtue of a royal gift, by the orders of admiral Walter. Privileges were shown to prove that two pieces of land had been originally given, and that since these were not enough, a royal order had directed *Godinus*, formerly the royal chamberlain, to find more land in *alia terra regia.* The admiral was much disturbed at what he had done, and he ordered Hugh to find another piece of land for the abbot. (*Ibid.* No. V. p. 278.)

[4] In 1174 at Salerno a very interesting reference is made to this aspect of the activity of *Eugenii magistri duane baronum qui a regia celsitudine ad partes istas delegatus est pro exigendis rationibus a baiulis partium istarum . . .* (Haskins, p. 653, n. 186.)

Other duties of a different character were expressly assigned to them by a constitution of king William, which was drawn up with the avowed object of separating the functions of various classes of officials. The masters of the *duana* to the exclusion of everyone else are to take cognisance of treasure-trove, wreck and the *hereditaria* of clerks of the demesne dying intestate and without heirs.[1] Here direct action is attributed to the masters of the *duana*, in contradiction to the duties of supervision which formed so large a part of their activity.

The delegation to members of the central office of finance of control over the chamberlains and bailiffs of the mainland was a novelty both in practice and in principle, and as such it seems to have been regarded at the time, because a constitution was specially framed ordering the other officials, justiciars, chamberlains, castellans and bailiffs to give any assistance that may be required to the masters of the *duana*.[2] Such an order could hardly have been necessary, had the masters of the *duana* always been charged with supervising the administration of the mainland. In principle the reform marks a definite departure : hitherto the officials of Apulia and Capua have been organised on a definite territorial basis, they have been essentially provincial officials and have not been members of the central *curia*. In the later part of the reign of William II. then, itinerant members of the central financial bureau are employed for the first time outside Sicily.[3] It is however interesting to notice that the same two masters of the *duana*, Walter and Eugene, are always despatched to the mainland, hence it would seem that the different regions of the kingdom are divided up among the masters of the *duana*, some being permanently charged with the supervision of Apulia, Capua and Calabria, and others

[1] *Const.* Lib. I. Tit. lxi. (39) p. 36.

[2] *Ibid.* Tit. xxxvii. *et* lxi. (40), p. 37.

[3] In noticing the visitations of the fiscal officials, Professor Haskins attributes them to the influence of England and Normandy : 'Henry I,' he writes, 'had established a system of judicial and fiscal visitations, which could hardly have failed to be brought to the notice of Roger II., and the relations between the two kingdoms under Henry II. were such as to keep the Sicilian rulers well informed of the development of the Anglo-Norman institution.' The view that members of the central court of justice held visitations of the mainland has already been discussed and shown to be untenable : the visitations of the fiscal officers, on the other hand, are abundantly proved by the notices of their activity in the second part of the reign of William II. At the same time it must be emphatically stated that there is no ground whatever for attributing the practice to the reign of Roger II., and moreover the idea was drawn, not from England or Normandy, but from Sicilian usage : whether the practice that prevailed in Sicily of making the members of the *duana* responsible for the bailiffs in the different regions of the island had any connection with Anglo-Norman institutions cannot be discussed here.

with Sicily. Within the island, too, it would probably be found, if the question were thoroughly investigated, that the different districts were regularly assigned, that the same masters were always responsible for the same district.

To judge from the large number of documents issued by the masters of the *duana* in Apulia in 1174 and again in 1177 and 1178, it seems probable that their visitations did not take place annually, but at intervals of perhaps three years. At any rate the activity of Walter of Moac is very marked in 1177 and 1178.

CHAPTER IV.

THE ROYAL OFFICIALS.

(1) *The Justiciars and the Constables.*

The origin of the Justiciarate.

THE establishment of justiciars and chamberlains has generally been regarded as the most important administrative reform of king Roger, and the words of the chronicler, Romuald of Salerno,[1] have been interpreted as ascribing to him the invention of these offices, when, in truth, stress should rather be laid on the general extension that he gave them. The evidence for the origin of the justiciarate and for its early history is very fragmentary ; but a link of first-rate importance in the chain was supplied when it was shown that Roger extended to Apulia and Capua, with modifications it is true, the office of the μεγάλοι κριταί of Calabria. These officials may be traced back to the days of Byzantine rule, so that the ultimate origin of the justiciarate must be sought in the government of the themes or provinces of the Eastern Empire.[2] A brief sketch of their organisation is needful to explain the administrative descent of the Norman μέγας κριτής. The themes were under the control of a strategos or military governor, who in theory united in his own person every executive and administrative function. During the tenth and eleventh centuries, however, the strategos had associated with him a civil official, either the protonotary or the κριτής of the theme. In the

[1] *Cal.* No. 7 : *Rex autem Rogerius in regno suo perfecte pacis tranquillitate potitus, pro conservanda pace camerarios et iustitiarios per totam terram instituit.*

[2] Caspar, p. 308.

Italian provinces, no less than in the rest of the empire, an imperial κριτής is found whose authority extended over the two themes of Italy and Calabria. He was nominated directly by the basileus, and was probably in no way subordinate to the strategos. Such for instance was the krites Eupraxios who appeared at Rossano soon after the middle of the tenth century. Some years later, in 1026, the spatharo-candidate Leo, *asecretis* or member of the imperial secretariate who heard a suit at Taranto brought by a monk of Monte Cassino, was krites of Langobardia and Calabria. Similarly in 1048 the imperial judge of Italy Cricorius is found at Bari.[1]

A series of Calabrian diplomas extending over the period from 1099 to 1144 bears witness to the existence under the Norman rulers of judicial arrangements apparently identical with those just described.

In 1099, Nicholas the protonotary and the κριτὴς ἁπάσης καλαβριτίδος χώρας[2] were the chief persons present at the court of the Great Count, when a suit brought by the monks of S. John the Reaper was summoned before it. Some years later, in 1131, a judicial decision was pronounced by Philip son of Leo λογοθέτου καὶ μεγάλου κριτοῦ πάσης καλαβρίας[3]. In this instance, the title used in 1099, which reproduces exactly the style of the Byzantine κριταί of all Calabria, is slightly altered by the addition of the word μέγας. Now μέγας κριτής is the ordinary Greek equivalent for the Latin *justitiarius*, and this title of μέγας κριτής has been well described as the bridge which connects the Norman justiciars of South Italy with the Byzantine administration.[4]

The remaining documents which deal with the judicial institutions of Calabria under King Roger belong to the period subsequent to the general establishment of the justiciars. In 1144 a judgment was pronounced by Leo Maleinos, strategos of Stilo and Gerace, which gave to the monks of S. John the Reaper possession of a field claimed by the hermits of S. Stephen *de Nemore*. The latter refused to abide by the decision, whereupon the brethren of S. John went πρὸς τὸν κύριον Ῥωγερίον τὸν κριτὴν τῶν κριτῶν and showed him the judgment set out in

[1] For the government of the Italian themes and the imperial judges cf. J. Gay, *L'Italie Méridionale et l'Empire Byzantin* (867–1071) in *Bibliothèque des Écoles Françaises d'Athènes et de Rome*, Paris, 1904, pp. 556 *seq.*

[2] B. Montfaucon, *Palæographia Græca*, Paris, 1708, Lib. VI. p. 394.

[3] B. Montfaucon, Lib. VI. p. 402.

[4] Caspar, p. 309.

writing. The lord Roger recognised the justice of the sentence and ordered the strategos to go to the field in dispute and make the hermits accept the judgment.[1] It cannot be doubted that this Roger, 'judge of judges,' was the justiciar of the district, for his title has the same force as that of μέγας κριτής, and he exercised like the justiciars a jurisdiction superior to that of the strategos. This opinion is confirmed by a grant made in 1140[2] in favour of S. Stephen *de Nemore* by Roger, son of Bonus, who calls himself *magnus justiciarius tocius Calabrie et magne curie.* That Roger was a justiciar of the central court is known from several documents: in June 1143 he was present at Messina without any special title, with other magnates of the *curia*, who witnessed a concord between the bishop-elect of Catania and the archimandrite of S. Saviour,[3] and in November of the same year as *justificator curialis* he is found at

[1] Montfaucon, Lib. VI. p. 411.

[2] Società Napoletana di Storia Patria MSS. Pergamene Fusco, No. A, xvii. *bis.* The genuineness of this document cannot, however, be accepted without some reserve: it is preserved in what claims to be the Greek original and is accompanied by a Latin translation of the 14th century. Unfortunately I have not been able to obtain a transcription or photograph of the Greek, against the authenticity of which it has been urged that all the signatures, even of non-Greek persons, are in Greek. This scarcely seems a valid objection, for many Latin and Norman names appear in Greek form in the Calabrian documents of the 11th and 12th centuries. The translation begins + *Signum proprie manus Rogerij filii quondam beate memorie domini Bonj magni Justiciarij tocius Calabrie et magne Curie. Ego Rogerius audiens et sciens uocem Euangelicam dicentem pro uno ex minimis meis fecistis mihi fecistis* (there follow more texts) *feci propria manu signum sancte crucis in uertice scripti huius et dono pro remissione peccatorum meorum atque pro genitorum meorum sancte Marie et sancto Stephano de Bosco et oratoribus qui ibi sunt videlicet Magistro Andree et Johanni farrario et omnibus successoribus suis abbatibus et fratribus qui erunt terras meas quas habeo in tenimento mileti supra casale Mutarj . et vineam que dicitur de calocasar, supra idem casale ubi est oliva. J. et terram que dicitur theophilj et terras que sunt in planicie ab inferiori parte sub ecclesiam sancte Marie . . . pro hac autem donatione mea predicti patres antidotum contulerunt mihi munera que ualuerunt tarenos ccc. quos accepisse ab eos me fateor. et sumarios duos mulos quibus receptis a me per manus eorum. . . .* There follow anathemas for the breach of this grant and a money fine to the *curia* of 200 talents of gold. *fuit autem presens scriptum per manus notarij nicolai precepto domini sui Rogerij annorij boni Justiciarij tocius calabrie mense Januarii xviij° die mensis Indictione iij^a. Anno ab inicio mundi sexto millesimo sexcentesimo xxiiij°.*

This date of 6624 ind. 3 = A.D. 1116 is wrong either in the year or the indiction, which do not correspond. If the year is correctly transcribed the whole document is a palpable forgery since Andrew was not then the master of the Eremites, nor Roger justiciar in Calabria. If, however, the indiction be adhered to, then the year 6648 = 1140 may be suggested as the true date. This would agree with the presence of Andrew and Roger, and several of the witnesses are to be found in other Calabrian documents of this decade.

Witnesses.

+ Ego Malgerius de altavilla testor. + Ego Riccardus uileris testis. + Ego petrus fraicosmos testis. + Ego Mātiosalj testis. + Ego bonus Mutarj. + Ego proprius Leo Mutarj. + Ego proprius costa. + Ego notarius Johannes suffragarus. Ego Joffredus filius domini Rogerij annuari qui et bona omnia predicta concedo et testis.

[3] *Appendix*, No. 1.

courts held by king Roger in Capua and Salerno.[1] This combination of an office at the central court with judicial control over all Calabria was handed down from the days of the Great Count, and even from the time of Byzantine ascendancy. It seems to have been continued till the end of the Norman period, for as late as 1194 we find *λαμβέρτος τῆς βασιλικῆς αυλῆς αρχων καὶ κεφαλικος μαιστορ καμπεραριου καὶ μέγας κριτης πασης καλαβριας, σίγνου καὶ λαίνης καὶ χωρας ιορδάνου.*[2]

The office of the 'judges of all Calabria' from the holder of the title in 1099 to Roger, resembled in many respects that of the first justiciars: they seem to have exercised jurisdiction in a definite territorial sphere, and the strategoi of the towns were subordinate to them. Cases were taken from the strategotal court to be confirmed and enforced by their superior authority. It is probable, but the evidence for definite proof is wanting, that they held office for a considerable period. Roger son of Bonus was apparently in power in 1140 and in 1144, but since his tenure was subsequent to the general establishment of justiciars, this evidence cannot be used without reservation to illustrate the position of his predecessors. The competence of these *κριταί* and *μεγάλοι κριταί*, so far as it can be gathered from the few surviving judgments which deal exclusively with suits concerning property, was the same as that of the justiciars: in the absence of records it is not possible to define their criminal jurisdiction. In several respects, however, they differed from the Apulian justiciars under king Roger. In the first place they bore a definite territorial title: in 1099 there was a nameless *κριτὴς ἁπάσης καλαβριτίδος χώρας*, Leo was *μέγας κριτὴς πάσης καλαβρίας*, while Roger described himself as *magnus Justiciarius tocius Calabrie et magne curie.* Furthermore they had an intimate connexion with the central court, a connexion which the other Rogerian justiciars, with the probable exception of those holding office in Sicily, did not enjoy. They were drawn too from the definitely official class; for example Leo held the office of logothete and Roger the son of Bonus came of official stock, for his father was a Lombard employed by the Great Count and Adelaide as a notary and also on judicial business. The Apulian justiciars on the other hand were for the most part members of the lesser nobility, without any court training or bureaucratic tendencies.

On the whole the evidence points to the conclusion that these early

[1] Caspar, *Reg.* Nos. 158 and 159.

[2] Trinchera, p. 322, No. ccxxxix.

judges of all Calabria corresponded more closely with the later master justiciars of all Apulia and the Terra di Lavoro than with the local justiciars, whom Roger set over smaller districts. This view is confirmed not only by the title they bore, showing that all Calabria was given into their judicial control, but also by the sub-division of Calabria after 1140 into three districts, Calabria proper in the extreme south, the Val di Crati with Cosenza for its centre, and the Val di Sinni and Val di Laino in the north.[1] In this way the judicial organisation of Calabria was to a certain extent approximated to the new system introduced into Apulia, but the supreme justiciar of all Calabria continued to exercise a control over the sub-provinces. The introduction of master justiciars into Apulia and Capua belonged, as has been seen, to a later period: their judicial duties resembled those of the early justiciars of all Calabria, but they added military functions to their supervising jurisdiction, and they were not justiciars of the central court.

The introduction of justiciars into Apulia and Capua.

The existence of *μεγάλοι κριταί* in Calabria long before the conquest of Apulia, and the resemblances between their office and that of the new justiciars indicate one source at least from which king Roger drew inspiration when he was called to undertake the reform of the judicial system. But while the model came from Calabria, the close connexion which existed between the establishment of the king's peace and the new officials serves to show that contemporary usage in England and Normandy must have influenced Roger's action. The title *justiciar* used in Latin documents in southern Italy and Sicily is identical with that of the royal judges in the Anglo-Norman dominions, and their competence in criminal suits was very similar. Englishmen, moreover, such as Thomas Brown and Robert of Selby, were at Roger's court at the time of the reform of Apulia and Capua, and the conclusion is inevitable that Roger was aware of events beyond the Alps. At the same time it cannot be too strongly maintained, that the institution in Italy developed from its inception on lines of its own, and differed fundamentally in many respects from the system of Henry I. and Henry II. in England and Normandy.

The first establishment of justiciars of which any record has come down, took place at Capua in 1135; it is nevertheless probable that the new office had been introduced into Apulia two years before,[2] but in the absence of direct testimony, the events at Capua are of first-rate impor-

[1] *Cal.* No. 16.

[2] *Supra*, p. 248.

tance as the starting-point of a new system. After the magnates of the principality had taken the oath of fealty to Anfusus as prince, the king set up the archbishop-elect and a certain Hamo of Arienzo to administer justice to all the oppressed, while a man named Jocelin, energetic and expert in all secular business was made procurator of the royal demesne.[1] It is plain from the context that the sphere of action attributed to these new officers was the principality of Capua, for the subject of the whole chapter is the new organisation given to that state after its incorporation in the kingdom. Direct confirmation of this interpretation is given by Peter the Deacon, who describes Jocelin plainly as the royal chamberlain of the principality of Capua, and notices his activity within its bounds.[2] The men appointed to do justice had a close connexion with the region, since one was archbishop-elect,[3] and the other was lord of Arienzo.[4] They are not actually given the title of justiciar, but it is borne in the next year by similar officials in other parts of the country. In 1136 a group of justiciars appeared at Bitonto[5] or Bitetto, and three others, one of whom also calls himself chamberlain, decided a suit at Taranto in the autumn of the same year.[6] The new offices were thus established as part of a definite scheme of administration all over the country: they had not of course at the outset that degree of organisation that they received in the later years of king Roger, and the nomenclature was as yet variable, but the important point is that the essential characteristic of justiciars and chamberlains as local officials with a restricted sphere is plain from the first. In 1137 the tide of foreign invasion and civil war swept away the incipient offices, and it is not certain that Roger was once again in a position to continue his reforms till 1140. In this year justiciars and chamberlains were everywhere constituted throughout the land, and continued without further interruption as the most important part, perhaps, of the provincial government. The constables are not mentioned in the account of the measures taken at this period, but it is probable from documentary evidence, that their office received a wide extension. In germ it already existed during the last period of the war.

[1] *Cal.* No. 1.

[2] *Cal.* Nos. 3, 4, cf. No. 2. [3] A. T. Lib. III. cap. xxx. p. 143.

[4] Hamo was among the magnates of the court of Jordan II. of Capua in 1120 (E. Gattola, *Historia Abbatiae Cassinensis*, Venice, 1733, i. 236) *per interventum Aymonis de Argincia.* Another link with the past of the principality was thus forged. Cf. *infra*, p. 384.

[5] *Cal.* No. 5. [6] *Cal.* No. 6.

The title of the justiciars in the duchy of Apulia and the principality of Capua.

The titles borne by the justiciars under king Roger vary considerably: such forms as *justificator*[1] and *justificarius*[2] appear side by side with *justitiarius*, which was ultimately adopted. The word *justitia*[3] for the holder of the office, not the sphere of action, which appears in England, does not occur. Great stress is laid on the fact that the justiciars were royal officers; they are described as *domini regis justitiarius*,[4] or *regalis*,[5] or *regius justitiarius*.[6]

The class from which they were drawn.

The men who were appointed to fill the new judicial office were, as a rule, persons of a certain importance. Occasionally ecclesiastics of episcopal rank were made royal justiciars, but as only three instances of such appointments have survived out of the total number of documents which give the names and degrees of the justiciars, it would seem that these were exceptional cases. The institution of the archbishop-elect of Capua as the first justiciar of the Terra di Lavoro has already been noticed: a similar appointment was that of archbishop William of Salerno, who was in office in 1143;[7] and later, during the reign of William II., bishop Leonard of Capaccio was justiciar in the duchy of Amalfi.[8] With these few exceptions, the justiciars were drawn from among the lay military tenants-in-chief of the crown. They were generally men holding small or middling fiefs, but in some parts of the kingdom the office was given to the mightiest counts. The evidence of the Catalogue of the Barons is invaluable as regards the standing of the early justiciars. The greater part of this document describes the feudal conditions in Apulia and Capua more particularly during the six years following the death of king Roger, and is consequently somewhat too late to yield all the information that could be desired for his reign. In spite of this drawback, it contains the names of most of the justiciars who are found in contemporary documents from the earliest days of the office, or the names of their sons, together with the fiefs which they held. In this way, a considerable amount of information may be obtained regarding the new officers of justice. A few cases may be cited in illustration of the various standing of the justiciars. In the Terra di Bari they belonged decidedly to the class of

[1] *Cal.* Nos. 6, 13. [2] *Cal.* No. 15.

[3] The district in which Boamund of Manopello exercised jurisdiction is called in the Catalogue of the Barons his *justitia*. [4] *Cal.* No. 26, and *App.* No. 5.

[5] *Cal.* No. 28, and *App.* No. 7; *Cal.* No. 31, and *App.* No. 8.

[6] *Cal.* No. 27, and *App.* No. 6.

[7] *Cal.* No. 13. [8] *Infra*, p. 369.

small tenants-in-chief. William of Tivilla, who was in office at Bari and Barletta, held 10 knights' fees at Noa, Bitonto, and Rutigliano,[1] while only $1\frac{1}{2}$ at Bitonto and Barletta were in the hands of his colleague Robert Seneschal.[2] Travelling northward men of greater possessions are found, and among them Henry of Ollia, who exercised jurisdiction between Monte Gargano and the mouth of the Trigno, is an interesting example. Of the lands ascribed in the Catalogue to his son Geoffrey, count of Lesina, only four knights' fees are definitely said to have been held by Henry,[3] but it seems certain that a considerable number of other fiefs belonging to Geoffrey must have been inherited from his father,[4] since several of them are mentioned in documents issued by Henry. They cannot therefore originally have formed part of the county of Lesina, which Geoffrey only received after Henry's death, on the imprisonment of count William.[5] Altogether Henry must have held some twenty-five fees, and he would seem to have been the chief personage among the lesser feudatories of the district. His colleague, Boamund Briton, was lord of Candelaro,[6] which is reckoned at two knights' fees,[7] but he may have held other lands as well. In other parts of the country, too, the justiciars seem to have been tenants-in-chief of the second rank: Lampus of Fasanella, who held office at Salerno in 1143, and together with Florius of Camerota in 1150 and 1151, may be mentioned as a notable example. Lampus, who was also constable of the principality of Salerno,[8] held the half of Fasanella, which was reckoned at two knights' fees, land at Castel Nuovo and

[1] *Cat. Bar.* p. 571, Art. 9; p. 572, Art. 33. [2] *Ibid.* p. 572, Art. 31.

[3] *Ibid.* p. 581, Art. 383. *Comes Goffridus Alesinae tenet in capite a Domino Rege Banciam, quam tenuit Henricus de Ullia, quae sicut dixit, feudum IV. militum, et cum augmento obtulit milites VIII.*

[4] *Ibid.* p. 581, Arts. 377, 384, 385. Of the places here ascribed to Geoffrey, Peschici, Biccari, Serracapriola, Varano, Monte S. Angelo, Siponto, Chieuti, Loreto, and Montecalvo, several belonged to Henry of Ollia and are mentioned in documents issued by him. Cf. *Cal.* Nos. 11, 15. The fiefs belonging to the county of Lesina are recorded in *Cat. Bar.* p. 581, Arts. 387–8.

[5] H. F. p. 22.

[6] St. Arch. Nap. Perg. Mon. Sopp. ii. No. 118: grant by Boamund Briton and his son Thomas in June 1164, ind. xii. reign of king William, of certain arable lands *quas in territorio jamdicti nostri casalis candelarii habemus sicut annexum est. ecclesie sancti leonardi de valle nebularia que in strata siponti sita est*, in the presence of Guido Soldanus, royal judge of S. Chirico and others; document written by John public notary of S. Chirico at S. Chirico: at the head of the list of signatures are:

+ *Ego boamundus bricto dominus candelarii.*

+ *Ego Thomas filius Boamundi britto domini candelarii testis.*

There is nothing to show whether Boamund was still royal justiciar at this period.

[7] *Cat. Bar.* p. 581, Art. 370, where Candelaro is ascribed to the *Curia.*

[8] *Cat. Bar.* p. 583 *seq.* Art. 437 *seq.*

Sicignano valued at six fees, and another piece of land of which the amount is not specified.[1] In addition to this group of fiefs, his demesne at Corleto, Trentinara, Magliano, and Selfone made up five fees, and the land of his sub-tenants four more, so that altogether he held over seventeen knights' fees.[2] His colleague Florius occupied a similar position: his fiefs situated in many places in the principality were reckoned to provide twenty-one knights or forty-three with the *augmentum* and fifty serjeants:[3] he had besides an additional knight supplied by a sub-tenant in Policastro.[4] Turning to the principality of Capua, the names of three justiciars have come down, and they seem to belong to the class of small tenants. Atenulf of Caserta had one knight's fee at Sessa,[5] or four with the *augmentum*; his colleague Hector of Atina is not mentioned in the Catalogue, but the inquest held by Ebulus of Magliano, the chamberlain, into the customs of Atina shows that he was a knight of that town and one of the chief inhabitants.[6] Hervey of Bolita, who was tried before king William in 1155, held land to the extent of six fees in Aversa and Sessa.[7] In the north, however, bigger men were invested with the office of justiciar, such as the counts of Abruzzo and Manopello and count Hugh of Molise. The districts entrusted to men of this type were on the frontiers of the kingdom, and in a very unsettled condition. Roger probably considered that the easiest means of providing for the defence of these outlying regions was to give a free hand to the great barons, just as it was the policy of the Angevins in England to create the Palatinates of

[1] *Ibid.* p. 585, Arts. 487–9.

[2] *Ibid.* p. 583, Arts. 442–4. It is extremely probable that this group of Lampus' fiefs were held in chief, since at the time the Catalogue for the principality was compiled they were in the hands of the *curia*; the evidence, however, is not conclusive. The fiefs are classed together with those of the sub-tenants of Henry of San Severino, but it seems as if the heading *isti tenent de eo* should not apply to all the subsequent entries (p. 583, Arts. 439–462). No information is forthcoming as to the time at which the fiefs of Lampus came into the hands of the *curia*. He is mentioned as early as 1128 as lord of Fasanella (Di Meo, ad an. 1128, n. 10); and we learn from a grant of 1134 (Archives of Cava, Dictionarium Archivi Cavensis . . . opus perfectum a R. P. D. Augustino Venereo et exaratum a R. P. D. Camillo Massaro, iii. f. 113), which *Lampus Dominus Castelli, quod Fasanella dicitur*, made to the monastery of Cava, that he had a son Tancred. In 1184, Tancred, lord of Fasanella in his turn, conferred a privilege on the same convent, but this Tancred calls himself the son of the lord William Palude (Di Meo, x. ad an. 1184, n. 5). A certain Hamutus of Fasanella (*Cat. Bar.* p. 588, Art. 656) is described as holding twenty-two villeins at Sicignano and doing service with the *augmentum* for two knights. Lampus belonged to a Lombard family: in the grant of 1134 he describes himself as the son of count Guaifer, while his wife was the great-granddaughter of Guaimar, prince of Salerno.

[3] *Cat. Bar.* p. 583, Art. 439; p. 584, Arts. 454, 456–9; p. 586, Art. 578.

[4] *Ibid.* p. 586, Art. 578. [5] *Ibid.* p. 597, Art. 934. [6] *Cal.* No. 9.

[7] *Cat. Bar.* p. 595, Art. 867; p. 597, Art. 933.

Durham and Chester. So far as external enemies were concerned, the plan seems to have been successful, but the chronicles of Carpineto and Casauria are filled with long tales of constant oppression by the counts of Manopello and Abruzzo. In one instance only does it appear that a royal justiciar did not hold direct of the king. This was Richard of Turgisio, who was one of four justiciars who heard an important suit between Monte Cassino and the bishop of Abruzzo at Pescara in 1148.[1] According to the Catalogue, he held all his fiefs of the count of Manopello,[2] but perhaps the fiefs which he held in chief have been omitted from that far from complete document. However that may be, the sum of his recorded fiefs amounts to twenty-five, and with the *augmentum* he owed the service of fifty-two knights and 150 serjeants and whatever more he could muster, if he was called to serve in the neighbourhood. He may, therefore, be regarded as a man of no small importance.

A further question must be considered in treating of the class from which the justiciars were drawn. It has been suggested that the judges of towns were from time to time promoted to the office of provincial justiciar under William II.,[3] thus importing into the institution a professional element which had been lacking at the outset. One of the instances brought forward in support of this contention is that of Judex Maior of Bitonto ; it is, however, difficult to get rid of a persistent conviction that Judex Maior is a proper name and not an official title, although the matter is not capable of definite proof, and it is possible that its bearer came of judicial stock. If the *Judex* were an official designation, surely some variety in the form would appear, as *Maior judex de Botonto*, or *Maior Botonti judex* or *Botontinorum judex Maior*,[4] but in every passage where this personage is mentioned he is invariably called *Judex Maior de Botonto* or *Judex Maior Botonti.* He is never found acting as a judge, and everything we know of him goes to prove that he was of knightly rank and a 'royal baron' of the Terra di Bari. According to the Catalogue of the Barons he was numbered among the knights of Bari in the Constabulary of Frangalis of Bitritto for his fief of 1½ knights at Loseto,[5] and in 1155 he was himself royal constable at Bari,[6] long before he

[1] *Cal.* No. 26 ; *App.* No. 5. [2] *Cat. Bar.* p. 600, Arts. 1014–18.
[3] Mayer, ii. 397, n. 93, 399, and Haskins, 645, n. 127.
[4] Cf. the signatures of the judges of Bitonto in 1189 : *Cod. dipl. Bar.* v. No. 153.
[5] *Cat. Bar.* p. 571, Art. 8. [6] *Cal.* No. 42.

became justiciar in the reign of William II.[1] In 1155 his signature runs + *Signum manus mee qs. iudex Maior Regalis Comestabulus*, thus omitting the mention of Bitonto, and with it, by implication, any claim to be judge of the place. The use of *Judex* as a surname is found at Barletta, where *Leo Judex* was royal catepan.[2]

The other example that has been used to support the view of the promotion of town judges to the justiciar's office is capable of conclusive refutation. A certain Ameruzius was royal judge of Bari from 1167 till 1183, and the contention is that he was the same person as John Amerusius royal justiciar of the Terra di Bari. It has not, however, been noticed that both officials appear at the same court, for in 1181, *Bernaldus de Funtanellis et Johannes Amerusius regii justitiarii terre Bari* pronounce a judgment with the advice of a number of royal barons in the presence of Ameruzius, Johannes, Macciacotta, Petracca Buffus, and Sifandus *Regales barensium judices*.[3] Ameruzius and Johannes Amerusius are plainly two different men, and many documents show that Amerusius, Ameruzzius, Amerutius, Amorusius, was the name of a very numerous family which is found at Bari from 1075 onwards.[4] It should be noticed moreover that Ameruzius, or Amerutius, the royal judge from 1167 till 1183 never bears any other name prefixed to the family name, while the justiciar is careful to distinguish himself as John Amerusius. A good deal can be learnt of the position and family of the latter from his will drawn up in 1186.[5] By this date he had ceased to be a royal justiciar, but he describes himself as a 'royal baron' and lord of Triviano, a member therefore of a class which had a close connexion with the justiciars. He was connected by marriage with a royal judge, a royal justiciar, and a royal chamberlain. It should be remarked before leaving the subject that it seems clear that city judges did become justiciars of the central court as Mayer has pointed out, but the position of the two groups of justiciars does not seem to have been identical.

The royal barons.

In considering the class from which the justiciars were drawn, it is important to observe their connexion with the 'royal barons' and the groups of knights who owed suit in the justiciar's court. These feudatories, as lesser tenants-in-chief, depended in a special way on the king's constables, to whom they were responsible for their military service, their

[1] *Cod. dipl. Bar.* v. No. 133. [2] *Cal.* No. 60.
[3] *Cod. dipl. Bar.* v. No. 145. [4] *Cod. dipl. Bar.* vols. i. and v. [5] *Ibid.* i. No. 94.

presence in the court of the king's justiciars is often mentioned, and it would seem that they acted on occasion in the capacity of assessors. Moreover, in more than one instance, we know that the justiciars themselves were chosen from the 'royal barons' or from the knights. In the Catalogue of the Barons, the barons of a constabulary are only once mentioned expressly,[1] but with the help of other evidence, certain groups of feudatories may be shown to have a special connexion with the constables and also with the justiciars. An example may be found in the constabulary of Guimund of Montilari, since, immediately following the heading in the Catalogue: *De eadem Comestabulia. Riccardus filius Riccardi sub Comestabulia Guaimundi de Montellār*, there are the names and fiefs of *Filius Guimundi de Montellār, Raho de Rocca Troia, Armanus, Maynardus de Grano, Johannes de Boccio and Leo de Fogia*[2] without any special designation. Now the judgment pronounced by Guimund of Montilari while he sat in the court of S. Mary of Bolfannana *cum baronibus et militibus et aliis probis hominibus pro justitia tenenda* is expressly stated to have been made *in presentia Raonis de Rocca et Johannis de Boccio domini regis baronum*.[3] It is therefore probable that the whole group in the Catalogue were either 'royal barons' or knights specially depending on the constable, and owing suit in the king's court.

John de Boccio and his sons are well known from the protracted litigation with Monte Cassino concerning their respective rights at Castiglione,[4] and in the record of the final settlement the names of Rao of Rocca and Leo of Foggia, who calls himself *Regalis Camerarius* are found in the list of those present.[5] It is, moreover, worthy of note that the successor of Guimund of Montilari as justiciar, was in 1159 this same Rao of Rocca, royal baron.[6] Much the same system may be observed in the Terra di Bari: in 1155, a suit, which was begun in the reign of king Roger, was brought to an end when the justiciars, William of Tivilla and Robert Seneschal, put the abbot of All Saints *de Cuti* in possession of the church of S. Nicholas, *coram presentia domini Melispezze Regalis barensium iudicis et domini Guilielmi senescalci militis et baronis regii et Guidonis Casemaxime domini et Goffridi de Lusito, et iudicis Maioris de Botonto*

[1] *Cat. Bar.* p. 581, Art. 380. [2] *Cat. Bar.* p. 582, Arts. 396–401.
[3] *Cal.* No. 31; *App.* No. 8. [4] *Cal.* Nos. 22, 37, 45. [5] *Cal.* No. 45.
[6] *Cal.* No. 51. In addition to Rao the royal justiciar, who was acting as the advocate of the abbot of Orsara, *Mainardus de Grino* was also among those present at the concord drawn up in 1159 between William III. bishop of Troia and the abbot of Orsara.

regalis comestabilis et Petri bisardi et Asketini militis et Corticii barensis militis.[1] All these, except the two last and Geoffrey, appear among the knights of the constabulary of the Terra di Bari,[2] and two of them would seem to have held the office of justiciar; for Geoffrey of Loseto may not improbably be identified with the justiciar Geoffrey, who is mentioned at Modugno in 1158,[3] and the constable Judex Maior was justiciar in 1173 and later.[4] Examples of 'royal barons' may be found frequently in documents of the second half of the century, especially in Apulia.

The local standing of the royal justiciars.

The royal justiciars, whether counts or smaller tenants-in-chief, seem invariably to have held land in the district, within which they administered justice. The examples given above to illustrate the feudal position of the justiciars[5] make this sufficiently plain, and a careful comparison of all the available judicial records with the Catalogue of the Barons has not revealed a single exception to this rule. It holds good equally for the early period when the justiciars had no territorial title and their sphere of jurisdiction can only be inferred from the places where they held courts and for the later time when territorial designations were common. The fact that the possession of fiefs within their judicial circuit was a necessary qualification for office does not of course exclude the possibility of their holding other fiefs outside it, and several such cases may be traced. Thus while William of Tivilla's fiefs at Noa, Bitonto, and Rutigliano, qualified him to act as justiciar in the neighbourhood of Bari, he also held extensive lands at Nusco, Montella, Oliveto, Vulturara, and other places in the principality of Salerno, and Bignano in the principality of Taranto.[6] The constables, too, like the justiciars, always had fiefs within their constabularies.

It cannot be doubted that the system of employing the lesser nobility, and in some instances the counts, as officials in their own neighbourhood, was a definite part of Roger's policy intended to ensure local adherence to the government. This policy is in sharp contradiction to that pursued by Frederick II., whose aim it was to rule the country by preventing any alliance between the governor and the governed, instead of enlisting the weight of public interest in a district on the side of law and order. With this object he laid down that no justiciar was to be a native of his province

[1] *Cal.* No. 42.
[2] *Cat. Bar.* p. 571, Arts. 4, 8, 12, 24.
[3] *Cal.* No. 47.
[4] *Cod. Dipl. Bar.* v. No. 133.
[5] Cf. *supra*, pp. 308–11.
[6] *Cat. Bar.* p. 589, Arts. 700–1, cf. charter of Simon of Tivilla, brother of William, who signs it, May, 1143, ind. v. (St. Arch. Nap. Perg. Mon. Sopp. i. No. 29).

nor was he to hold land within it, nor to acquire it during his tenure of office.[1]

Length of tenure of office.

In regard to the length of tenure, king Roger's policy again differed fundamentally from that of his grandson: whereas under Frederick II. the justiciars held office for one year only, their early predecessors are found acting over a long term of years. In some cases it may be calculated that their disappearance from the judicial records was occasioned only by their death. A good instance is afforded by the career of Henry of Ollia, who appears frequently as a justiciar between 1141 and 1153. He must have died before October, 1156, because at this date[2] his son Geoffrey is described as count of Lesina, in succession to count William, who was deposed and imprisoned some time apparently not later than the summer of that year.[3] Had his father Henry still been alive it is only probable that he would have been invested with the dignity rather than his presumably untried son. Similarly in the case of other justiciars, it may be inferred that they held office till their death, although this cannot be definitely proved. On the other hand, there is an instance in Sicily of a former justiciar living in retirement in the neighbourhood in which he had administered justice.[4] Probably their tenure depended on the king's pleasure, and in some cases it was a long one. The most notable instance comes from the principality of Salerno, when Florius of Camerota, who began his career as justiciar at least as early as 1150, was still exercising his functions in 1177, though his tenure had not been wholly uninterrupted.[5] The long periods of time, during which the early justiciars held office has been explained as the result of the scarcity of suitable men for the post,[6] but it seems more reasonable to see in it part of the definite scheme of enlisting the greatest weight of local support on the king's side. The annual succession of justiciars was no part of the Rogerian plan, and there is no reason for attributing to lack of material, the failure of a system which it was never intended to adopt.

Mention must also be made in this connexion of a certain tendency towards heredity which may be noticed in the early justiciarate: there was

[1] *Novae Constitutiones Regni Siciliae*, Lib. I. tit. li. in Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, Paris, 1854, iv. 189.

[2] *Cal.* No. 44; *App.* No. 13. [3] H. F. p. 22.

[4] C. A. Garufi, *I Documenti Inediti dell' epoca normanna in Sicilia*, No. lxii. p. 153 (*Documenti p. s. alla storia di Sicilia*, serie i. vol. 18).

[5] Cf. *infra*, p. 366. [6] Caspar, pp. 311–2.

not time for this feature to appear in the days of king Roger, but it is evident during the reigns of the two Williams in more than one district. Henry of Ollia was succeeded by his son Geoffrey as royal justiciar in Monte S. Angelo[1]: at Troia, Rao of Rocca was followed by Luke of Rocca.[2] It is probable that such cases might be multiplied considerably, if it were possible to arrive at a complete list of justiciars.

Appointment of the justiciars.

The appointment of the earliest justiciars is attributed by the chroniclers to a direct act of the king. The minute supervision exercised by Roger II. in all departments of state may well lead to the supposition that he appointed the justiciars personally, but unfortunately no fragment of evidence survives to show the exact terms of their institution, or the type of mandate which contained their commission. Under the later kings, it is at least probable that the personal act of the sovereign was replaced by a more formal appointment by the *curia*, but of this again we are curiously ignorant. The admiral Maio issued orders to the justiciars on more than one occasion independently of the royal mandate, but there is no evidence to show whether he actually nominated the judicial officers in the provinces.

An abuse grew up by which the justiciars themselves appointed delegates to transact the business that should properly have been done by them in person: instances of such delegations, whether legitimate or not, are found under William I. and William II.,[3] and a constitution was framed to forbid the abuse, on pain henceforth of capital punishment.[4]

Judicial function of the justiciars.

The establishment of the justiciars *pro conservanda pace* shows that cognizance of those crimes of violence which constituted a breach of the peace was specially attributed to them. This supposition receives full confirmation from the assize of Roger II., which makes the justiciars judges in cases of larceny, house-breaking, assault on the highway, rape, homicide, ordeals, calumny, arson, and all forfeitures which place the offender *de corpore et rebus suis* at the mercy of the *curia*.[5] One of the most remarkable features of the legislation of Roger II., from the Great

[1] *Cal.* No. 61. [2] *Cal.* No. 51.

[3] Haskins, p. 646, n. 136.

[4] *Constitutiones Regni Siciliae*, Lib. I. tit. lviii. in Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, iv. 178.

[5] *Cal.* No. 8, *Sancimus ut latrocinia, fracture domorum, insultus viarum, vis mulieribus illata, homicidia, leges parabiles, calumpnie criminum, incendia, forisfacte omnes, de quibus quilibet de corpore et rebus suis mercedi curie debeat subiacere a iustitiariis iudicentur, clamoribus supradictorum baiulis depositis, cetera vero a baiulis poterunt detineri.*

Peace of Melfi onwards, was the sharpening of the theory of crime and the tacit definition of criminal offences as those which involved punishment at the royal pleasure in regard to person or goods. The phrase *de corpore et rebus suis mercedi curie subiacere* is strongly reminiscent of the conception which placed in the mercy of the king all offenders whose misdeeds were held to involve a breach of his peace. In consequence of this definite theory of crime, and assisted by the notions of Roman jurisprudence, the law of South Italy and Sicily in the twelfth century divides all causes into *civilia* and *criminalia*; this is explicitly recognised in the grant of jurisdiction made by king Roger in 1133 to the monastery of S. Mary in Brindisi: *Insuper de gratia nostra concedimus speciali, ut praefatum Monasterium de cætero in perpetuum haberet Judicem Bajulum tam in terra Misanii, pro praefatis hominibus et bonis eorum a nobis eidem Cœnobio datis pro definiendis quaestionibus civilibus personalibus, & realibus de bonis eorum, quam et in civitate nostra Brundusii, qui Curiam regant . . . .*[1] Again in 1154 the idea of the distinction between civil and criminal jurisdiction is set out by William I. in his confirmation of the privileges of Cava: the abbey is to be free of all state control, *nisi in criminali judicio tantum, quod nobis et prefate nostre reipublice totaliter reservamus, sicut in suo privilegio dux Rogerius noster proavus, constituit et mandavit.*[2] Here, the distinction is carried back into the early Norman period, and although we do not find the expressions *criminalia* and *civilia* used before the time of king Roger, the notion itself appears sufficiently often. The distinction received fresh emphasis in his reforms, and it was finally crystallised by the establishment of the justiciars as special judges in criminal causes. Hitherto it seems evident that the royal local officials, strategoti and catepani, were charged with hearing civil and criminal causes alike, though no records of their criminal action have survived. This, however, is not an extraordinary circumstance, since at this time and for long afterwards, it does not appear that records of suits were drawn up, unless it was necessary by so doing to secure rights of property or possession. After the institution of justiciars, all criminal jurisdiction, with the exception presumably of such petty offences as did not involve forfeiture of goods or members, was taken from the local officials, who are termed generically *bajuli* in the

[1] Ughelli-Coleti, *Italia Sacra*, ix. 32.

[2] Guillaume, *Essai Historique sur l'Abbaye de Cava.* Cava dei Tirreni, 1877, App. p. xxxv.–vi. L.

assizes. It was therefore of first-rate importance to define carefully the spheres of the *bajuli* and the justiciars, and it was with this object that the assize of king Roger was drawn up. The duties of the bailiffs are not expressly set out, but all causes which are not recited in the assize are left in their competence, and the first proclamation, even in cases reserved for the justiciars, must be lodged with the *bajuli*.[1] It is part of their duty, moreover, by an assize of William II., to hand over to the justiciars thieves who had been captured, as well as all their goods and the stolen property.[2] William II., too, not content with the negative declaration of the bailiffs' duties issued by Roger, defined them positively as jurisdiction over *civiles causas, omnes reales videlicet et personales que super feudis et rebus feudalibus minime moventur* and in addition, those small offences, thefts and the like, *de quibus comprobati penam sui corporis vel ablationem membrorum incurrere non deberent*.[3] There is here no advance on the theory underlying the assize of Roger II., only a more explicit declaration of the different spheres, while the phraseology recalls the privilege of 1133 for S. Mary in Brindisi.[4] The absence of theoretical growth is seen too in the constitution of Frederick II., which lays down the powers of the justiciars: it is confessedly based on previous Norman legislation,[5] but it would seem to refer not to the assize of Roger II. but to some law of William II., since the list of offences attributed to the cognizance of the justiciars is somewhat more extended than that given in the assize,[6] and in regard to one of these additions, *defensa imposita*, we know that in the reign of William I. a chamberlain, who, however, also calls himself

[1] Cf. *Cal.* No. 8, *clamoribus supradictorum baiulis depositis.*

[2] *Const.* Lib. I. tit. lxvi. (42), p. 38.

[3] *Ibid.* Tit. lxv. (41), p. 37.

[4] Cf. *supra*, p. 317.

[5] *Const.* Lib. I. tit. xliv. (54), p. 47: *Que igitur ad ipsorum cognitionem pertineant predecessorum nostrorum assisiis comprehensa, apertius definimus, latrocinia scilicet, magna furta, fracture domorum, insultus excogitati, incendia, incisiones arborum fructiferarum et vitium, vis mulieribus illata, duella, crimina majestatis, arma molita, defense imposite et* [*contempte ab aliis vel pro aliis ab eisdem*], *et generaliter omnia de quibus convicti penam sui corporis vel mutilationem membrorum sustinere deberent. Magnum autem furtum accipimus ultra viginti augustales, etiamsi civiliter de furto ipso agatur, ut tamen etiam de quantitate minori coram justitiario* [*ad corporalem penam*] *criminaliter possit accusatio intentari.*

[6] The most important addition is that of treason—*crimina majestatis*: its absence from the assize of king Roger has been explained by the fact that the law of treason had not received its full development as early in the reign of king Roger as the issue of the assize defining the powers of the justiciars; treason, however, is frequently mentioned as a plea reserved to the king and indeed to the count of Sicily long before the formation of the kingdom. The suggestion may be hazarded that under Roger II. cases of treason were reserved for the king's own hearing.

justiciar, was considered capable of dealing with the matter.[1] In spite of greater accuracy of definition in the late Norman and Swabian periods, the principle underlying the distinction between the justiciars and the bailiffs is precisely laid down by king Roger: to the former belong all crimes which were punished by loss of life, members, or goods.[2] The reference to the mercy of the court naturally dropped out, as the punishments of crimes became stereotyped and established by law.

During the later Norman period the whole group of pleas reserved for the hearing of the justiciars came to be known as the *justiciaria*,[3] thus emphatically calling attention to their office. In the general withdrawal of criminal causes from the *bajuli*, however, a few exceptions remained, which endured till the reign of Frederick II. From one of his constitutions we learn that the *compalatius* of Naples and the *strategoti* of Salerno and Messina had had cognizance of *criminalia* in virtue of a special and ancient privilege,[4] and it is not impossible that other important towns had the same privilege. Nevertheless, it cannot have been a widely extended prerogative at any time, and it was directly opposed to the policy of Roger II. of depressing the towns and subordinating them to the royal authority.[5]

While a tolerably clear notion of the scope of the criminal jurisdiction of the justiciars may be gathered from the assizes and constitutions, records of actual cases are very few, and very little can be discovered as to procedure in criminal trials. It is, however, clear that such cases could be begun either by way of appeal or by an official inquest. The appeal by the injured party is apparently referred to at the end of Roger's assize, where the *clamor* of the crimes reserved for the justiciars is to be made before the *bajuli*. Procedure by way of inquest is found in the only two criminal cases of which any record has survived. Both belong to the latter

[1] *Cal.* Nos. 54, 55.

[2] Cognizance of a case tried at Bitonto in 1189 is specially attributed to the royal justiciars because it belonged to the *justiciariatus officio*. The crown claimed a certain tenement since its owner had been tried and condemned for murder, but the justice of the forfeiture was disputed, and the counter-claim was allowed by the justiciars, on the ground that the tenement had been alienated before the murder was committed.—*Cod. Dipl. Bar.* v. No. 153.

[3] G. Del Giudice, *Codice Diplomatico del regno di Carlo I. e II. D'Angiò*, Naples, 1863, i. *App.* i. p. xliii.; 1179 in a grant of jurisdiction by Robert, Count of Loritello, *placitis ad iusticiariam pertinentibus in manus domini nostri gloriosi regis et nostris omnimodo retentis.*

[4] *Const.* Lib. I. tit. lxxii. (49), p. 44. *Circa tamen compalatios Neapolis et straticos Salerni scilicet et Messane, quibus cognoscere licet de criminibus de speciali et antiqua prerogativa et regni nostri observatione dignoscitur esse concessum, ordinatione constitutionis presentis nihil volumus innovari.*

[5] Cf. *infra*, p. 331.

part of the reign of William II., and are described by Romuald of Salerno. In 1177, on the conclusion of the peace of Venice, delegates from the emperor Frederick Barbarossa were sent to Sicily to receive the formal oaths in confirmation of the treaty.[1] On their return journey, the imperial ambassadors were accompanied, according to custom, by a knight of king William, who was charged with escorting them as far as the frontier. At Lagonero, however, a quarrel arose between this knight and the people of the village, so that he was forced to seek refuge at the lodging of the ambassadors. The country people, with mad insolence, stoned the house and maltreated the members of the embassy: their archives were broken into, and the silver coffer in which the solemn treaty of peace with its golden bull was preserved was borne off by the mob. No sooner did the news reach king William of this insult offered to the ambassadors of a foreign power than he sent letters to the justiciars of that region by the hand of his usher Daniel, *precipiens eis, ut huius mali factores et complices diligenter inquirerent, et inventos cruce suspenderent.* The justiciars are here ordered to hold an inquest to discover the evil-doers and to bring them to justice. A terrible vengeance overtook them, and they were hanged, some at Barletta, others at Troia, Salerno, Capua, and even away at S. Germano.

Another royal order to hold an inquest for the discovery of criminals was issued about the same time.[2] On this occasion the country people of Fajano attacked abbot Matthew of S. Benedict of Salerno with swords and staves and lances, and cruelly slew him. The justiciars, Luke Guarna and Florius of Camerota, were ordered *ut huius sceleris auctores cum summo studio et cautela inquirerent et inventos carceri manciparent.*

From the consideration of these cases the question arises whether the justiciars of the Norman period held general inquests for the discovery of evil-doers, as it is certain they did in the time of Frederick II., or whether they only held inquests in special cases on receipt of a royal mandate. There is, however, no material on which to base an opinion in this matter. In the particular instances under discussion, the phrases used by Romuald have every appearance of being quotations from the mandates.

While the general lines of the separation of the offices of the justiciars and the bailiffs is sufficiently clear, the distinction between the justiciars and the chamberlains is more difficult to determine. Romuald of Salerno

[1] R. S. p. 460. [2] *Ibid.*

groups them together as officers instituted *pro conservanda pace*, but while the assize of Roger II. confirms this testimony in regard to the justiciars, there is no definition of the powers of the chamberlain in Norman legislation. Occasionally the same person is known to have combined the two offices, for Roger of Bisignano, in 1136, calls himself *Camerarius magnifici regis Justitiarius*,[1] and as late as 1163 Samarus of Trani was *regius camerarius et justitiarius*.[2] The fact that both offices are expressly mentioned in these two cases tends to show that a difference between them was recognised; nevertheless, that there was some confusion regarding the competence of the various officials in the Norman period may be gathered from the language of Frederick II. in two constitutions defining the powers of justiciars, chamberlains, and bailiffs.

Besides their criminal jurisdiction, the justiciars exercised an extensive jurisdiction in civil causes, of which sufficiently abundant records from the reigns of Roger II. and William I. remain in the written judgments drawn up to safeguard the rights of the victorious party in a suit. No official definition of the limits within which this civil jurisdiction was exercised exists for these reigns, since the Assizes deal only with the *criminalia*, but the practice of the later Norman period may be inferred from the constitution revised by Frederick II., which describes the competence of the justiciars. The portion dealing with the criminal pleas has already been quoted: the constitution goes on to affirm[3] that cognizance of civil causes

[1] *Cal.* No. 6.

[2] Haskins, p. 646, note a, *Cal.* No. 55. Two other documents in support of this combination of offices are brought forward by Prof. Haskins without, it would seem, sufficient grounds. The first belongs to the year 1175, St. Arch. Nap. Perg. Mon. Sopp. II. No. 178 *bis* (Haskins gives the number as II. 99) and contains the mention *coram domino Achille Regio justiciario terre Idronti et Camerario Basilicate*: Capasso regards the document as gravely suspect and for a brief discussion of the matter cf. *infra*, p. 346, n. 3.

The remaining document quoted by Prof. Haskins (p. 654, n. 191) belongs to the year 1183 and records an inquest made by *Bereng[arius] Latronici et Robertus Camer[arius] Vallis Sinni regii iusticiarii.* Camerarius is obviously the surname of Robert in this case and does not denote his office: he is found previously among the witnesses of a document of 1178 as *Robertus Camerarius* (Crudo. *La SS^ma. Trinità di Venosa*, p. 256). A parallel instance of an official title becoming a surname is to be found in *Robertus Senescalcus*, the justiciar at Bari and Barletta in 1154 and 1155.

[3] *Const.* Lib. I. tit. xliv. (54), pp. 47, 48: *Cognitionem civilium etiam causarum in defectu etiam camerariorum et bajulorum ad officium suum pertinere cognoscant. Defectus vero in camerariis et bajulis tunc esse videtur, videlicet cum post duos menses a die proclamationis ad ipsos facte [cause eis a superiori commisse fuerint], nec conquerentibus in rationibus suis satisfaciunt ut tenentur et debent, nisi instructionis [desiderate] necessitas terminum exigat largiorem. . . . De feudis etiam et rebus feudalibus ipsi cognoscant, preter questiones de castris et baroniis et magnis feudis que in quaternionibus doane nostre scripta sunt: que omnia singulariter cognitioni nostre curie reservamus.*

belongs to the justiciar's office in defect of the chamberlains and bailiffs; and this defect is defined as occurring when the plaintiff has not received the satisfaction due to him within two months of the day on which the proclamation was made, unless a longer period was needful to settle the matter. Furthermore, by this same constitution, the justiciars are to take cognizance of feudal matters except in questions which concern castles and baronies and great fiefs inscribed in the quaternions of the royal *duana*: these are reserved for the central court of the king. Finally, in another constitution[1] it is asserted that under the Norman kings appeals from the chamberlains were taken before the justiciars.

The question then stands: how far does the evidence of the judgments issued under Roger and William I. go to prove that the civil jurisdiction of the justiciars from the outset was limited to the three cases of defect of justice in the lower courts, feudal matters under certain limitations, and appeals from the chamberlains? The great object of the constitution is to prevent any overlapping of function between the chamberlains and justiciars, and the justiciars, with this object are restrained, except in feudal cases, from hearing suits of first instance. To a very considerable extent the evidence shows that this rule was observed in the reigns of the two kings, for it is plain that in the great majority of cases which have come down there has been lengthy previous litigation and that the justiciars only took cognizance of the matter *pro defectu justitie*, as the constitution and the mandates of William II. have it, or *pro recti penuria*, as a mandate of Roger and William I.[2] expresses the same notion. The sentences of the justiciars generally refer to a long-drawn contest between the parties,[3] and in some instances, where there is nothing in the wording of the judgment issued by the court to suggest such previous history of the suit, other documents exist which show that such was the fact.[4] In

[1] *Const.* Lib. I. tit. lx. (45), p. 41. [2] *Cal.* No. 42.

[3] *Cal.* No. 16. The plaintiff appeals against a previous sentence which he regards as unjust; *Cal.* No. 25, *App.* No. 4, seems to refer to previous litigation '*exorta controversia*,' but this is only a summary; *Cal.* No. 26, *App.* No. 5 . . . *qualiter longa controversia que, diu fuerat . . . per judiciariam sit sententiam diffinita*; *Cal.* No. 34, *App.* No. 10 . . . *qualiter habui altercationem cum domino romano abbate tremitane insule, i.e.* before the present suit was brought before the justiciars; *Cal.* No. 41, *App.* No. 12, *declaramus quomodo litigia . et altercationes non parvas habuimus. . . . Postea vero utraque pars. venientes ante presenciam domini Rogerii flandrensis Regii comestabuli (et justitiarii)*; *Cal.* No. 42, when there had been four previous attempts to obtain satisfaction from various courts.

[4] *Cal.* Nos. 22 (1147), 37 (T. R. R.), 45 (1156) all deal with the agreement between Monte Cassino and John de Boccio; the first document describes the action taken by the abbot before

those cases in which nothing is said about the previous action of the lower courts, and nothing can be learned from other documents, it is impossible to say whether the justiciars were taking cognizance of a case of first instance; nevertheless, it is not unwarrantable to suppose that recourse had been had originally to the local judges and that the assistance of the justiciars was called in only when the aggrieved party had failed to obtain satisfaction. It is, however, evident that in many cases a royal mandate from the central court was necessary in order to carry a civil suit into the justiciar's court. From this it follows naturally enough, owing to the difficulty and expense of a journey to the king, that the litigants in these cases are persons of considerable importance. Generally, owing to the preservation of ecclesiastical documents in greater numbers, the plaintiff in those suits of which a record has survived was an abbot or bishop, but occasionally the men of a town or village are found taking joint action in defence of their rights and seeking a royal mandate. During the reigns of Roger and William I. these mandates are in no case given in full, but their general import is occasionally set down and the plaintiff is stated to have lodged a complaint before the king of the wrong which he has suffered and the king addresses a mandate to the justiciars ordering them to hear the case and give satisfaction, so that the plaintiff may obtain redress.[1] The most complete summary runs: *cum etiam super hoc domini regis Rogerii beate memorie atque invictissimi regis Guilielmi preceptorias litteras accepissimus ut idem abbas super huiusmodi negotio pro recti penuria conqueri non possit.*[2] In the time of William II. the text of the mandates is always preserved in the record of the suit: they contain the same elements that are indicated in the summaries of the earlier period, but it must be noticed that in this later period they are generally addressed to the master justiciars and constables of Apulia and the Terra di Lavoro, and not to the ordinary justiciars. The mandate begins by describing the visit to the central court or to the king in person and the exposition of the complaint, and it goes on to order the master justiciars to hear the matter after summoning the parties and the witnesses, and to give satisfaction *ut de*

duke Roger, though it is by no means certain that this was the beginning of the suit; the two others narrate a concord negotiated before the justiciar Guimund of Montilari; *Cal.* No. 28, records a judgment drawn up in the presence of the justiciars Hector of Atina and Adenulf of Caserta; nothing is said of previous litigation, but it appears from another judgment that the case began in the court of the abbot of Monte Cassino in 1142, cf. *infra*, p. 324.

[1] *Cal.* Nos. 25, 34, 37, 42, 45. [2] *Cal.* No. 42.

cetero super hoc idem abbas iuste conqueri nequeat[1] or *ut exinde amplius iuste clamorem non audiamus.*[2] Sometimes the justiciars are ordered to settle the matter without appeal to the royal court, sometimes they are only to report the result of their inquiries. In many cases under Roger and William I. the mandate is not mentioned, and it may well be that this method of procedure had not as yet been established as a matter of course.

The history of some of the protracted suits is not a little interesting, and illustrates the length of time and the procedure necessary, not indeed to obtain a sentence, but to secure its being enforced. In 1142[3] Landulf, son of Pandulf of Aquino, brought a claim against a certain Adoyn, son of Benedict of Aquino, before Rainald, abbot of Monte Cassino, in his court at San Germano. Landulf maintained that Adoyn owed him service with his person and goods, but Adenulf, abbot of S. Matthew de Castello, and Adoyn himself denied the truth of this assertion, because Adoyn's father had offered himself and all his possessions to the church of S. Matthew in the time of prince Jordan I., and consequently no service ought to be claimed except by the church. After the question had been debated at length before the abbot of Monte Cassino, an agreement was arrived at, by which Adoyn was to pay Landulf 15 *solidi denariorum papiensium*, and in return Landulf was to renounce any claim to service into the hands of the church: at the same time Landulf gave pledges never to bring any further suit or molestation against the church or Adoyn. In spite of this undertaking, however, the abbot of S. Matthew in 1148[4] found it necessary to seek redress of the justiciars, Hector of Atina and Adenulf of Caserta, who were sitting in the palace of the bishop of Aquino. The abbot Adenulf, without referring to the previous suit in the court of Monte Cassino, complained that Pandulf (this is probably a mistake for Landulf) of Aquino was oppressing two of the men of the monastery, John and Adoyn, and seizing their goods because they refused him service. The abbot was ordered to produce proofs of his assertion that the men belonged to the monastery and in justification he brought up a charter of the time of prince Jordan, by which the father and mother of the two men gave themselves, their heirs, and their possessions, to the

[1] Niese, *Urkunden*, i. 4, p. 27.

[2] Archives of Monte Cassino, caps. 101, fasc. v. No. lxi.

[3] Archives of Monte Cassino, Codex 640. Privilegia et Diplomata pro Monasterio S. Matthei Servorum Dei MSS. R. R. P. pp. 112, 113.

[4] *Cal.* No. 28, *App.* No. 7.

service of the monastery. After hearing this donation the justiciars gave sentence for the monastery and confirmed its possession, and invested it with the services of the men, the goods of John's wife Gaytelgrima alone being excepted from the scope of the judgment. In this case there is no mention of the royal mandate, but it seems clear that the suit was brought '*in defectu justitie.*' The history of another protracted suit may be studied in the Calendar of Documents.[1]

Almost all the civil suits brought before the justiciars were either possessory or proprietary actions concerning, for the most part, lands, vineyards, mills; sometimes the dispute is about the right to certain services, and once the possession and ownership of a church is contested. The subjects of litigation brought before the justiciars were not markedly different from certain of those which were submitted to the decision of the chamberlains. It may be that the interests involved were greater and the parties to the suit more important when the justiciars presided, while the business before the chamberlains was sometimes of a specially fiscal nature; nevertheless, it would probably be found, if complete records had survived, that the distinction between the jurisdiction of the two groups of officials, at any rate after 1140, when they were definitely established, consisted in the limitation of the justiciar's interference in possessory and proprietary actions to cases of defect in the lower courts.

In defining the feudal jurisdiction of the justiciars Frederick II. declares: *De feudis etiam et rebus feudalibus ipsi cognoscant, preter questiones de castris et baroniis et magnis feudis que in quaternionibus doane nostre scripta sunt que omnia singulariter cognitioni nostre curie reservamus.*[2] Here two questions are raised for comparison with the usage of the reigns of Roger and William I. In the first place it must be asked: what was the practice in regard to jurisdiction in feudal matters; and secondly, what were the relations between the local justiciars and the central court. The evidence from the early period of the monarchy is not abundant, but so far as it goes it yields certain fairly definite conclusions.

In illustration of the feudal question, one long series of suits has fortunately been preserved concerning the fief of John de Boccio at Castiglione near Troia,[3] a fief which is found inscribed in the Catalogue of the Barons: *Johannes de Boccio dixit, quod tenet XX. commendatarios in*

[1] *Cal.* No. 42.
[2] *Const.* Lib. I. tit. xliv. (54), p. 48.
[3] *Cal.* Nos. 22, 37, 45.

Castellione, et cum augmento obtulit militem I.[1] The fief then was a *feudum quaternatum*, since it is found in the only extant register or *quaternio* of the *curia*. Considerable confusion has existed in the past on the subject of *feuda quaternata*, because it was supposed that only fiefs held in chief of the king were included in this class, and yet many fiefs of sub-tenants are not only found in the Catalogue but are moreover expressly said to be already inscribed *in quaternionibus curiae*.[2] Recently, however, the real meaning of the term has been made clear,[3] and *feuda quaternata* are shown to have included not only those fiefs which were held directly of the king, but also those mesne fiefs for the granting of which by the immediate lord the sanction of the king was required. The litigation concerning John de Boccio's fief began, so far as we can learn, in a complaint brought in 1147 [4] by abbot Rainald of Monte Cassino before duke Roger, king Roger's son, but it is probable that the matter had already been ventilated. On this occasion the abbot maintained that John cultivated, in the village of Castiglione, certain lands which belonged to Monte Cassino, and paid no rent, and moreover, that he had bought other lands in the same place, and these he regarded as his own, and paid nothing to the monastery for them. By command of the duke, John promised to give to the abbot a tithe from all the lands which he held at Castiglione. Some years later, at the end of the reign of Roger II., it would seem,[5] abbot Rainald instituted a fresh suit against John, asserting that all his property, his men, lands, houses, and vineyards belonged to the abbey. The abbot began proceedings by lodging a complaint before king Roger, who, with his wonted favour, on learning the arguments of the church, *ut justitiam haberet precepit, et litteris justiciariis significavit ut utriusque partis allegationibus auditis et intellectis, ecclesie justiciam facerent.* In obedience to this mandate the justiciars, the count of Civitate and Guimund of Montilari, summoned the abbot to appear at Troia, or, if he so preferred, to send some of the brethren to represent him. The delegates brought charters of duke Roger, duke William, and king Roger when he was duke, granting Castiglione to Monte Cassino. John replied by demanding the presence of the abbot, but soon the brethren began to talk of a concord, and the count of Civitate and Guimund threw their weight on the side of an arrangement. John de Boccio agreed, and undertook a journey to Monte Cassino to obtain the

[1] *Cat. Bar.* p. 582, Art. 400.
[2] *Cat. Bar.* p. 575, Art. 138.
[3] E. Mayer, i. 453.
[4] *Cal.* No. 22.
[5] *Cal.* No. 37.

consent of the abbot in person, because his representatives did not feel able to accept on his behalf all the terms of the concord. The provisions are given in great detail and all are of interest; the most important, however, in considering the competence of the justiciars in feudal matters, are the clauses concerning homage and fealty and the performance of the service due to the king. John agreed to do homage to the church and the abbot as the abbot's other men did, and further, he promised to swear fidelity *si dominus rex permiserit*: John's men were to share in proportion to their numbers with the men of the church in the service of the king and together they were to provide for the service of one knight which was owed to the king, but the abbot was to make himself responsible for the service. Moreover, if John succeeded in getting the service due from his men diminished or remitted, he will do the same for the men of the church. The arrangement made with the abbot was to hold good for the life-time of John himself, his son, and grandson, but after their death the whole property, including the men and their belongings, the lands, vines, and houses are to pass into the hand of the church and the abbot: at the same time the rights of the men are secured in certain particulars after they shall have come into the possession of the church. John finally safeguards his right of trading with the men of Castiglione after he has done homage to the abbot, and he declares himself quit of his service to the king, if the king permit.

The fulfilment of this contract was prevented by the death of John de Boccio, but the king's court seems to have agreed to the terms stipulated, because in 1156[1] his sons Robert and John declare that they are willing to carry it out *ex precepto curie domini nostri magnifici Regis Willelmi.* The abbot makes one concession to Robert that was not included in the original concord, because Robert's son Roger is now dead, and the benefits that he would have enjoyed are now to pass to any other son that he may have or in default of sons to his daughter Lauretta and her future husband. This revised agreement was drawn up in the court of the royal judges of Troia in the presence of Leo of Foggia the royal chamberlain.

It is plain then from this case that a justiciar was held competent to decide a suit concerning a quaternated fief, but at the same time it must be remembered that the court assembled at Troia by Guimund and the count of Civitate, only took action after a royal mandate had been

[1] *Cal.* No. 45.

received ordering justice to be done to the abbot, and further, that the case had already been brought before duke Roger. It might be thought that the justiciar's court on this occasion received a delegation of power that placed it on a level with the central court, were it not for the reservation made about the transfer of the oath of fidelity on the part of John de Boccio and his quittance from the duty of providing one knight's service. The court did not regard itself as competent to settle this matter and it is expressly stated that the permission of the king was necessary. The difference of competence between the justiciar's court and the central court is also brought out in the suit heard at Pescara by four justiciars in 1148.[1] The bishop of Aprutium claimed possession of the church of S. Nicholas of Trontino against the monastery of Monte Cassino: after hearing the evidence of both parties the court decided that the question *potius de proprietate esset agendum*, and ordered that the abbot of Monte Cassino *se a possessione prephati monasterii sequestraret et eadem possessio in manu justitiariorum quasi apud sequestrum collocata est*, on condition that if the question were settled by a final sentence in the present court, possession should be given to the party to whom it was adjudged, but if the matter turned out like the question debated three days ago,[2] it should be reserved for the hearing of the king. Here again it is plain that the justiciars regarded themselves distinctly as subordinate to the king. Consequently it does not seem possible to regard the justiciar's court and the central court as simply two forms of the same royal jurisdiction.

Before leaving the question of jurisdiction in feudal matters it should be observed that in 1149 the chamberlain Ebulus tried a case which involved a non-quaternated fief, so that the strict limitation of feudal cases to the justiciars does not seem as yet to have been accomplished.

As to the appellate jurisdiction of the justiciars over the chamberlains, which is mentioned in a constitution of Frederick II., no record or reference exists for the reigns of Roger and William I., so that the matter cannot be discussed. The general relations of justiciars and chamberlains will receive furthur attention in discussing the function of the chamberlains and master chamberlains.

In conclusion, it may be said that the separation between the

[1] *Cal.* No. 26, *App.* 5.

[2] This seems to be the drift of the fragmentary passage: *Sin autem res J. . . . et nudius tertius fuerat. ita usque ad domini Regis audientiam servaretur.*

justiciars and the bailiffs in criminal matters was insisted on from the first, and the justiciars took exclusive cognizance of all crimes that involved loss of life or limb or forfeiture of property. In civil matters the bailiffs had cognizance in cases of first instance, and it seems at least probable that the justiciars' interference was limited to cases where there was defect of justice and to feudal cases. During the first years in which the new officials, justiciars and chamberlains, were in office, it is hard to distinguish their spheres in civil matters; after 1140, however, the separation of their functions became more explicit, and by the end of the reign of William I. complete definition seems to have been attained. As late, however, as 1149, a chamberlain decided a suit that involved a non-quaternated fief, and in 1163 another chamberlain was concerned in a case of *defensa* which the constitution of Frederick attributes exclusively to the justiciars. In their relations with the central court of the king, the justiciars definitely acknowledge a subordinate position: not only is their action regulated by mandates from the king or his chief minister, but occasionally questions arise which are reserved for the royal hearing. With the gradual development of central institutions the personal action of the king was replaced in the majority of cases by the *magna curia*.

Administrative functions of the justiciars.

The powers of the justiciars in Apulia and the Terra di Lavoro seem to have been exclusively judicial. In this they differed in a remarkable manner from the attributions of the Sicilian or Calabrian justiciars, who are not infrequently charged with the duty of making administrative inquests.[1] Considering the large number of records left by the justiciars of the mainland throughout the reigns of the Norman sovereigns, it can scarcely be regarded as an accident that no notice of administrative action has survived. Rather must it be considered that there was a fundamental difference between the justiciars in the two great divisions of the *Regnum*, since on the mainland outside Calabria the chamberlains always held the inquests ordered by the *curia* for administrative purposes.

The counts as judicial officers.

The relation of the justiciars to the bailiffs and chamberlains has been discussed at some length, and now the question of their relation to the counts must be considered. The position of the counts as judicial officers is exceedingly interesting and important: it is bound up with the tradi-

[1] Chalandon, ii. 678. All the examples of administrative inquests by justiciars quoted by M. Chalandon belong to Sicily or Calabria, although he does not appear to have noticed the distinction. The same is true of a case cited by Prof. Haskins, p. 654 and n. 151.

tional administration of justice which had come down from the Lombard and the early Norman periods, and also with the exercise by private persons of rights of jurisdiction. These rights were enjoyed either in virtue of a definite grant from the sovereign, or by reason of long-established custom. Unfortunately actual grants have been preserved only in the case of churches and towns, so that it is impossible to speak with certainty of the origin of rights of jurisdiction held by lay tenants. It is probable that they took their rise without any formal concession, but it is also probable that they were confirmed by an express act of the sovereign, as for instance at the period of the verification of privileges generally under Roger II. The nature of the franchises enjoyed varied considerably and their history followed different lines in Sicily and in Southern Italy.

In Sicily, from the earliest period, the separation of pleas into *civilia* and *criminalia* appears, but a further cleavage within the *criminalia* also reveals itself. In all the known grants of criminal jurisdiction before the reign of William II., with the exception of that in favour of the bishopric of Catania,[1] the most serious crimes are reserved for the king or the great count.[2] They are designated as *regalia* and almost always include treason and homicide: in the grant to the bishop of Cefalù, felony too is excepted.[3] The cleavage seems to lie along the line of the death penalty, since it is explained that it is against the canons for an ecclesiastic to give sentence of death, but it appears to have been the regular practice in Sicily for the sovereign to keep these pleas in his own hands. In the conquest of Sicily, count Roger had a clear field, and he was able to found a new state unencumbered with any previous tangle of rights and interests. It seems certain that so far as churches are concerned, Catania remained for long the sole possessor of full criminal jurisdiction, and that only within the city, but under William II. a fresh departure was made, and the new archbishop of Monreale received the immense privilege of being justiciar in his own territories: he had every plea which was attributed to the cognizance of the royal justiciars and was allowed to appoint his own deputies. In regard to the privileges of the counts and barons of Sicily,

[1] Caspar, p. 615.

[2] Niese, *Urkunden*, i. 8, n. 3, where the grants of jurisdiction to churches in Sicily, with the exception of Cefalù, are collected.

[3] Caspar, *Reg.* No. 194. *Salvis tamen regalibus nostrae majestatis, fellonia videlicet, traditione et homicidio.*

there is unfortunately no information, but it is probable that the highest criminal jurisdiction was denied them. After the establishment of justiciars under Roger II. it became the ambition of town communities to receive justice in criminal matters from their own officers, but only Messina was able to vindicate the right of its *strategos* to this extended jurisdiction.

In Apulia and Capua, with which we are now concerned, the liberties of the churches in judicial matters seem to have been more restricted: for the most part they enjoyed only a civil jurisdiction such as was implied by the appointment of a *judex*, and nothing is said in the ducal and royal grants of even a limited criminal jurisdiction.[1] The only ecclesiastic who exercised full powers in criminal matters on the mainland was the archbishop of Monreale for his city of Bitetto.[2] Henry VI. followed the example of William II. and won the support of Monte Cassino by a grant of full criminal jurisdiction, and Frederick II. in his early years adopted the same policy to the abbey of Cava and the archbishop of Salerno. Both these grants, however, as well as that to Monte Cassino, were revoked in virtue of the *constitutio de resignandis privilegiis*, and Frederick henceforth pursued a policy even stricter than that of his Norman predecessors.

The towns of the mainland rarely enjoyed the privilege of criminal justice at the hands of the city magistrates: Salerno and Naples alone are known to have emulated the position of Messina, while Gaeta was not able till the reign of Tancred to win a less extensive privilege.[3]

[1] Niese, *Urkunden*, i. 7, 8. The possible exception in the grant of William I. for the Bishop of Troia is recognised by Niese (*Gesetzgebung*, p. 172) to be inadmissible, since the reference to the privilege of exercising the power of a justiciar is shown to be a later addition.

[2] Soc. Nap. di Storia Patria MS. xxvii. A 3. Diplomata Monasterii S. Laurentii de Aversa, A.D. 1716, ff. 50 (2) and 51: a donation made by Pizzigaudius of Bitetto to the monastery of S. Laurence *in Curia Domini Guillielmi Venerabilis Montis Regalis Archiepiscopi, et Domini Regis familiaris apud Ciuitatem suam Bitecti Pręsidente in ea, et Regente eandem Curiam Domino Joanne fratre, et Justitiario eiusdem Domini Venerabilis Archiepiscopi pręsentibus Ameruzio Joanne Macciacotta, et Petrarcha* [sic] *Buffo regalibus parentium* [sic] *Judicibus, et Pascale, et Angelo Curialibus Bitectentium Judicibus. . . . + Signum manus prędicti Domini Joannis Justitiarij Bitecti.* There follow the signatures of the judges of Bari (properly described as *Barensium*) and Bitetto, 1186, 21st. Kg. William, May 6, Ind. 4; ex suo origin.: Arm°. 2, fasc. 6.

[3] *Tab. Cass.* t. ii. *Cod. dipl. Caj.* ccclxii. p. 312. *Insuper concessimus vobis, ut a Magistris Iustitiariis ad iustiţiam faciendam non cogamini. Civiles quidem cause in Curia Gajete diffiniantur sicut diffiniri consueverunt. Criminales vero cause, que amodo in Gajeta emerserint inter concives vestros in Magna Regia Curia Panormi diffiniantur per testes sine duello, et quicquid super his a Consulibus Iudicibus et Consiliariis qui iustitiam et veritatem iuraverint; de his videlicet que acta fuerint coram eis significatum fuerit Curie nostre credatur. De crimine autem Majestatis si appellatio facta fuerit, diffiniantur in magna Curia nostra Panormi. . . . Postquam autem Princeps statutus fuerit Capue; criminales cause sicit agitari et diffinitivi* [sic] *debent in magna Curia nostra Panormi; sic in Curia ipsius Principis debent diffiniri.*

With the counts of Apulia and Capua, however, the whole question is on a different footing: whereas the exercise of higher criminal jurisdiction was a privilege definitely granted to churches and towns, it seems to have been a right inhering in the possession of a county, and to have been exercised in part at least on behalf of the public authority. The counties of the Norman kingdom had a twofold origin: in the more northerly regions they can be traced back to the ancient Lombard counties which had gradually taken the place of the official gastaldates of the principalities of Benevento, Capua, and Salerno: in the southern districts they were established by the first Norman adventurers in the territory won back from Byzantine rule. The Lombard counts as the successors of the gastalds were in possession of full rights of jurisdiction, and the Normans of the south carved out their counties as they chose and exercised what rights they pleased, unhindered by their first leaders, who were not in a position to reserve to themselves criminal jurisdiction. The legal position of the counts of Norman origin was not different from that of the Lombard counts, for they held their lands in the early days of the conquest from the prince of Salerno. They enjoyed almost absolute power in their counties, since they had full rights of alienation, complete fiscal and forest rights, and the privilege of establishing markets.[1] Further, they appointed their own officials, *strategoti* and judges, through whom they exercised civil and criminal jurisdiction.[2] It has already been noticed, how in the disruption of the duchy of Apulia under duke Roger and duke William, the counts practically threw off all allegiance and ceased to recognise their dependence on a superior power.

During the conquest of Roger II., it was one of his first cares to modify the powers of the counts and to bring them into line with the

[1] Mayer, ii. p. 376, ns. 38, 40; p. 377, ns. 43, 44, 45, 46, brings together a collection of illustrations of the right of alienation and the fiscal, market and forest privileges of the counts before the conquest by Roger II.

[2] *Ibid.* p. 377, n. 42. Illustrations of judicial power from the same period: Del Giudice, *Cod. Dipl. Ang.* i. p. xxxii. ff. 1092, the count of Gravina in establishing a bishopric narrates: *integra omnia judicia et compositiones et forisfacturas et plateam et bannum omnium hominum concessi.* Ughelli-Coleti, *Italia Sacra*, vii. col. 791, 1105, Geoffrey *comes Cannarum* renounces the right *subtrahendi homines a dominio et jurisdictione ejusdem ecclesie nec ponendi eos sub nostro dominio pro aliqua occasione, placito, quaestione, reatu vel controversia, nisi sint publicae homicidae vel nostri proditores.* C. Minieri Riccio, *Saggio di Codice Diplomatico, Formato sulle Antiche Scritture dell' Archivio di Stato di Napoli*, Naples, 1878–85, i. 19, 1114, the count of Loreto declares, *ut si homines sancte ecclesie rixati fuerint inter se sive homicidium vel incendium aut talium factum fuerit, omnia sua recipiat abbas, et persona ego.*

general scheme of government. It was, however, no part of his policy to abolish the powers of the counts, which still remained very extensive. As early as the Peace of Melfi, a stringent oath of fidelity was imposed on them and the rights of private war and self-help were taken from them.[1] Henceforth every count is careful to say that he holds his county by the grace of God and of the king, a formula which was often shorn of its last clause during the anarchy of the early twelfth century. A further check was established by the severe limitation placed on the hitherto unrestricted right of alienation, but here the modifications introduced by Roger seem to have stopped. He had attained his object in bringing the counties once more within the control of the central power and for the rest was content to leave them their fiscal and judicial rights as a means of providing in part, and on traditional lines, for the administration of Apulia and Capua. One or two counties were suppressed, as, for instance, Loritello and Chiaromonte, but for the most part they were given into faithful hands. Indeed, the establishment of new holders of the counties is described by Romuald of Salerno as a noteworthy feature of the king's policy.[2]

The question of the maintenance of the rights of criminal jurisdiction and the relation of the counts to the royal justiciars needs further consideration. The evidence from the reign of Roger II. is not very abundant, but so far as it goes it is clear, and agrees with what is known of the judicial position of the counts till the end of the Norman period. There seems to be no room for doubt that they exercised powers of jurisdiction comparable to that of the royal justiciars, so that these officials, instead of superseding the counts, enjoyed a concurrent competence. At the same time, although the counts formed part of the public administration, they were not merely royal officers, since they are careful always to mention their own authority as well as that of the king. The first piece of evidence comes from the Customs of Bari which represent in substance the state of affairs under Roger II. Here the counts and justiciars are put on a level as magistrates having authority, and both are forbidden to summon the citizens outside the city for trial.[3] The remaining testimony for this

[1] *Supra*, p. 241. [2] R. S. p. 426. *De novo multos in regno suo comites ordinavit.*

[3] G. Petroni, *Storia di Bari*, Naples, 1858, ii. *Consuetudini Baresi Rubrica* ii. 7, p. 440. *Neque a Comitibus, neque a Iustitiariis, neque a quolibet Magistratu a civitate nostra aliquis Barensis extraitur, et invitus ad alia loca ducitur iudicandus.* Capasso first called attention to this passage and insisted on this view of the counts as judicial officers; his view is adopted with fresh emphasis by Mayer and Niese.

reign is supplied by two cases, one of 1144,[1] and the other dated only as in the time of king Roger, but probably belonging to his last years.[2] In 1144, brother Macchabeus of Monte Cassino, brought a suit against Maynerius of Palena and Matthew of Pettorano, two barons of the county of Molise *coram comite et Justitiario Ug. de Molisi*, and many tenants of the county, and finally obtained the restitution of the church of S. Peter de Avellana at the hands of the barons, *ex precepto et judicio regalis curie et Comitis Ug.* Here it must be noticed that count Hugh is not called royal justiciar and yet the court was the king's court as well as the count's. The whole question of the jurisdiction of the counts of Molise will be discussed later,[3] but it may be said here that they were justiciars within the county, in virtue of their position of count, and at the same time they seem to have acted for the king. Later the counts themselves dropped the title of justiciar, but they used it of the deputies they appointed to act for them, as, for instance, when Richard of Mandra, count of Molise, held a court at Isernia in 1170, with his justiciars and barons, who are all tenants of the county. In every respect these courts of the counts of Molise resemble the courts of royal justiciars, but the barons are barons of the count and not royal barons. The remaining case which seems to throw some light on the powers of the counts is the concord drawn up between the abbot of Monte Cassino and John de Boccio in the presence of the count of Civitate and the royal justiciar Guimund of Montilari. Here the count is never called justiciar, indeed the distinction between him and Guimund is always carefully made; and yet the royal mandate mentioned in the concord is said to be addressed *justiciariis*, thus putting the count and the justiciar tacitly on the same footing. It may be objected that Guimund is called justiciar and not royal justiciar in this concord, but we know from other sources that he was in fact a royal justiciar. The distinction between the count and the justiciar which is always maintained shows that there was a difference in their dignity and yet their function was similar. It should be noticed too that it was a royal court which was being held.

In the reign of William II., with the greater abundance of documents, the evidence for the judicial powers of the counts is stronger and fuller. There is direct testimony both of their possession of criminal jurisdiction, and also of their action in civil suits under a royal mandate in a manner

[1] *Cal.* No. 17. [2] *Cal.* No. 37. [3] Cf. *infra*, p. 371–2.

parallel to that of the royal justiciars. Thus the count of Andria (1175),[1] the count of Loritello (1179),[2] and the count of Lecce (1181)[3] all mention their right of cognizance in criminal causes: the count of Loritello indeed designates them as *justiciaria*. This view that the counts held the pleas ordinarily belonging to the justiciars is confirmed by the title of justiciars given to the deputies whom they appoint to act for them.[4] It is worth noticing too that during the abeyance of the county of Loritello in the reign of Roger II., royal justiciars from the Honour of Monte S. Angelo are found holding courts at places within the county, as at Dragonara, but after the restoration of the count, they are never known to exercise jurisdiction within its bounds. Nevertheless, royal mandates are frequently addressed to counts such as those of Manopello, Aprutium, Loritello, and Molise ordering justice to be done to complainants who have appealed to the king's court for redress. Evidently the powers of the counts are controlled by the same means as those of the justiciars and other royal officials. At the same time, as has already been remarked, the counts, while acting as public officials, have an inherent right of jurisdiction: this is seen in the reference to the commands of count Hugh of Molise as well as those of the royal court, and in the stipulation of Robert of Loritello to retain the *justiciaria* in his hands as well as those of the king. The same idea appears even in regard to the count of Lesina who held the

[1] Ughelli-Coleti, *Italia Sacra*, vii. col. 805. Grant by count Geoffrey of Andria to the bishop of Monte Verde. *Concedo Judicia hominum de Ecclesia faciat Episcopus, praeter criminalia, quae, mortem inducunt, illa vero reserventur Curiae nostrae:* the date is given as 9th. king William, 7th May, Ind. x. 1177; but the year must be corrected to 1175 (cf. Di Meo, ad an. 1175, n. 2), to agree with the other indications. Besides, in 1177 Roger of Albe was count of Andria. Di Meo, it must be added, without giving any reason, regards the charter as 'di brutto conio.'

[2] Del Giudice, *Cod. Dipl. Ang. App.* i. No. xx. p. xliii. Robert, count palatine of Loritello and Conversano, in a grant to S. Leonard near Siponto, declares: *ut a modo in antea ipsi homines liberi sint et absoluti sine omni nostra nostrorumque heredum seu successorum contrarietate vel requisitione. placitis. ad iusticiariam pertinentibus, in manibus domini nostri gloriosissimi Regis et nostris omnimodo retentis.* May, 1179.

[3] Ughelli-Coleti, *Italia Sacra*, viii. col. 73. Diploma of count Tancred for SS. Nicholas and Cataldus at Lecce: *concessimus . . . in ipsa civitate Lycii de extraneis, & adventitiis affidandi licentiam, Curiam, & Judicem & Notarium de nostris hominibus ex universis causis, praeter illas, quae in publico, & ad censuram regiam pertinere videntur. Quod is, qui pro tempore Praelatus extiterit, primò, secundò, tertiove admonitus justitiam facere distulerit, volumus ut exedio ipsius negotii deveniat in Curiam nostram, et haeredum nostrorum, & si qua compositio inde exacta fuerit, volumus ut ad manus Ecclesiae conferatur.* 1181.

[4] Robert of Loritello, Biblioteca Nazionale, Naples, Cartario di S. Maria di Tremiti, f. 61 verso: *ego Leonasius eiusdem domini palatini comitis Justitiarius*, 1179, April, Ind. 12; Ughelli Coleti, *Italia Sacra*, x. *Chronica Monasterii S. Bartholomæi de Carpineto*, col. 371. Richard of Molise, cf. *infra*, p. 372.

office of royal justiciar, since his chamberlain, when presiding over a court as his deputy, summons a litigant *ex parte domini regis et domini nostri Comitis goffredi.*[1] Niese[2] would explain the references to the royal authority made by Robert of Loritello in May, 1179, and by Tancred of Lecce in 1181, as the result of a law recently passed to prohibit the exercise of the justiciar's office by any count, baron, or knight, within his own territory. This law is attributed in the manuscripts to Frederick II.,[3] but Niese would give it rather to William II., partly for the reason mentioned above, and partly for the similarity of its style to that of the Constitution of William forbidding justiciars to appoint deputies. Against this opinion it may be urged, in the first place, that the counts were from the beginning semi-public officials and formed part of the regular administrative system, and in the second, that the language of the Constitution of Capua, which also forbids the exercise of the justiciar's office by a landholder, suggests that it was forbidding not an already prohibited practice due to 'unlawful presumption,' but a usage sanctioned by custom: '*Item precipimus, ut ulla ecclesiastica persona vel secularis pro aliqua consuetudine hactenus facta presumat in terris suis offitium iustitiarie modo quolibet exercere.*'[4] If such a law was passed by William II. it must have been between April, 1179, when Robert of Loritello mentions his justiciar, and May of the same year when he speaks of the share of the king in the pleas of the *justiciaria.* It is more probable that the king had always had a share, and that he and the count divided the fines.

The territorial principle.

The emphasis which has been laid already on the long periods of time during which the same justiciars administered justice in the same district and on their invariable position as landholders within that district, should serve to demonstrate that the reforms of king Roger were based on a territorial principle. From the first a definite sphere, or circuit, was assigned to each group of justiciars, although they did not become the justiciars of a province with a territorial title till the middle of the reign of William II. It is difficult to map out certainly the districts into which the country was divided under the first two kings and the justiciarates had not the regular form they received later:[5] it was rather jurisdiction over the inhabitants of

[1] *Cal.* No. 44. [2] Niese, *Gesetzgebung*, pp. 171–173. [3] *Const.* Lib. I. tit. xlix.

[4] Constitutions of Capua xviii. in *Ryccardi de Sancto Germano Chronica Priora*, ed. Gaudenzi in Soc. Nap. di Storia Patria, *Monumenti Storici*, serie i. *Cronache*, Naples, 1888, p. 103.

[5] This fact has led some historians to doubt the existence of any territorial system underlying the activity of the early justiciars; they have been regarded rather as members of a board travelling

a certain district than the government of a 'region,'[1] that was entrusted to the early justiciars. The distinction perhaps is small, and the transition from circuit to region easy, nevertheless it was by this path that the development of the office proceeded.

But while the existence of definite circuits from the first may be established, the task of mapping out the country is a hard one. It must be laid down at the outset that, while certain of the judicial spheres under the Norman kings coincided with the divisions under Frederick II., others seem to have over-stepped the boundaries of the later justiciarates. Further, it appears that the circuits were not constant during the whole Norman period. In course of time an increase took place in the number of justiciars,[2] and whether this increase is to be taken as implying fresh grants of private jurisdiction, or an addition to the number of royal justiciars, it was probably accompanied by a re-arrangement of the circuits. In any case it means that evidence from the reign of William II., valuable as it often appears, must not be applied to the earlier period, without considerable reservation.

The Catalogue of the Barons and the circuits of the justiciars.

Material for a judicial map of the kingdom must be gathered from the Catalogue of the Barons and from the records of judgments given by justiciars throughout the kingdom. The Catalogue is an official document containing the names of feudatories and the amount of military service due from their fiefs to the *curia*: it covers, with varying degrees of completeness, the mainland of the kingdom, with the exception of Calabria and its dependent valleys, which were administered separately. Taken as a whole, the Catalogue presents a picture of the feudal condition of Apulia and the Terra di Lavoro in the early years of the reign of William I. The object in view in drawing up the Catalogue was to secure the more

through the country without fixed districts (Caspar, p. 311); and as the successors of the commissioners who were dispatched from the central court by the Great Count and by Roger II. in the early years of the reign (Chalandon, ii. 676). At first, Chalandon says, they were dispatched temporarily and they became gradually the permanent delegates of the *curia* in the provinces. This theory of the origin of the local justiciars is attractive, since it offers a logical theory of development, but it must be abandoned, since it is unsupported by the facts of the case: on the one hand the same justiciars were always in the same region and they were always local personages, and on the other, the temporary delegations of the *curia* ceased after the local justiciars appeared. A juster appreciation of these facts has rightly led the most recent writer on the subject, Professor Haskins, to recognise the existence, from the outset, of provincial justiciars with definite territorial spheres.

[1] The first use of the word *region* applied to the Justiciars is found in Romuald of Salerno in recounting the events of 1178 (p. 460).

[2] Guillaume, *Essai*, *App.* p. xli. Q.

effectual fulfilment of fiscal and military obligations, so that it is only incidentally that it illustrates the judicial administration. Its value for the history of the justiciars and their spheres of action lies in the unique description which it gives of the provinces of the kingdom and their subdivisions into counties and constabularies. A justiciarate, indeed, is only once mentioned, but the office of royal constable and royal justiciar was frequently held by the same person. A careful comparison of the geographical indications contained in records of suits heard by an individual in his capacity as justiciar with the places ascribed to his constabulary in the Catalogue, shows that he exercised his double function in the same part of the country. From this it follows that the district which is described in the Catalogue as a constabulary formed at the same time the circuit assigned to a group of justiciars, hence the evidence of the Catalogue as to a constabulary may be generally applied to the corresponding judicial circuit. The complete coincidence of the spheres attributed to the two classes of officials cannot, however, be maintained, and it is therefore important, whenever possible, to check the information of the Catalogue with the help of records furnished by the justiciars themselves.

But before considering the relations of the constables to the justiciars, it is well to obtain some idea of the date and general plan of the Catalogue and of the circumstances which led to its compilation. The document is preserved among the Angevin registers at Naples[1] in a copy, made at the beginning of the fourteenth century from a transcript belonging to the Swabian period, of the Norman original. It has been printed in three separate editions,[2] but none of them can be regarded as satisfactory. Not only is the spelling modernised, but names of persons and places are wrongly transcribed, and words and sometimes whole articles are omitted. The various editors have, moreover, given an erroneous appearance to the document by the use of different sorts of type in the various headings and titles prefixed to the sections. Consequently some of these titles appear of greater importance than others, but a comparison of the editions with the MS. shows at once that these distinctions are often entirely arbitrary on the part of the editor. Another serious fault is the omission of the many marginal notes and the numerous signs, such as hands and other

[1] St. Arch. Nap. Registro Angiovino, 242 (1322 A), ff. 13-63.

[2] C. Borrelli, *Vindex Neapolitanae nobilitatis*, 1653, *App.* pp. 5–154; Fimiani, *Commentariolus de subfeudis*, *App.* pp. 55–326; Del Re, *Cronisti e Scrittori sincroni Napolet.* Naples, 1845, i. *App.* pp. 571–616.

devices pointing to the different articles. Capasso[1] has pointed out many of the errors in his valuable article on the Catalogue, but a new edition made directly from the MS. is eminently desirable.[2]

The date of the original compilation of the Catalogue has been placed by Capasso between 1155 and 1169, because all the feudatories mentioned, whose history can be checked from other sources, were in possession of their fiefs at some time between these dates.[3] The Catalogue as it stands does not, however, represent the feudal condition of Apulia and the Terra di Lavoro in any one year, for it bears traces of corrections made from time to time to bring it up to date. For instance, it sometimes happens that when a fief passed into fresh hands, the name of the original holder was struck through or erased and that of his successor substituted at the beginning of the list of his fiefs, while the name of the original holder was left unaltered in subsequent passages. In other cases, no doubt, the corrections were made with greater thoroughness, so that in the Catalogue as it has come down to us, the name of the holder of the fief at the later date alone appears. It may well be that whole portions were rewritten. The few cases in which the feudatories mentioned came into possession of their fiefs later than 1159 may be accounted for by these corrections, so that the Catalogue as a whole represents the condition of affairs at a period nearer to the earlier than the later limit fixed by the dates 1155 and 1169. While the names of the feudatories and the period in which they lived have been subjected to a rigid criticism by Capasso, an examination of the royal officials, chamberlains and constables, who appear in the Catalogue, seems to have been neglected as a means of fixing the date of the register.[4] This is an important piece of evidence, for the officials are represented as being in actual possession of their offices and making in

[1] B. Capasso, *Sul Catalogo dei Feudi e dei Feudatarii delle Provincie Napoletane* in *Atti della Reale Accademia di Archeologia, Lettere e belle Arti*, 1868, iv. 293-371.

[2] I have not been able to see a copy of Borelli's edition, and have generally used that of Del Re as the most easily accessible. In all references to and quotations from the Catalogue the pages are given according to Del Re; the numbers of the various articles, however, are taken from the edition of Fimiani, who alone adopts this method of making reference easier and surer. I was fortunately able in Naples to compare the greater part of the Catalogue in Del Re's edition with the MS. in the Angevin Register, and in consequence to correct many mistakes as well as to obtain a juster idea of the document undisfigured by Del Re's typographical eccentricities. Whenever quotations from the Catalogue given here differ from the edition of Del Re, I am able to claim the authority of the MS. for the variations.

[3] Capasso, *Sul Catalogo*.

[4] Prof. Haskins has now adopted this method with somewhat different results.

many cases inquiries about the fiefs and services due. The following table shows the date at which these officials are known to have been in office, and the date by which they are known to have been superseded or to have died. They may of course have been in office before and after the date given :—

NAME.	OFFICE.	DATE IN OFFICE.	DATE BY WHICH SUPERSEDED OR DEAD.
Angot de Arcis	Constable	1158, *Cal.* No. 46a : he is not called constable in this document	—
Rainald f. Fredaldi	Chamberlain	1158, *Cal.* No. 48	—
Guimund of Montilari	Constable	1151, *Cal.* Nos. 31, 37, 45	1159, *Cal.* No. 51
Lampus of Fasanella	Constable	1143, 1150, 1151, *Cal.* Nos. 13, 32	—
Alfanus	Chamberlain	1151–1158, *Cal.* Nos. 32, 33, 43, 49	1163, *Cal.* No. 55
Marius Russus	Chamberlain	1163-66, *Cal.* No. 56, 62	—
Riccardus Philippi	Chamberlain	Unknown, between 1166 and 1176	—
Gilbert de Balbano	Constable	1137–1156	1156, Haskins, p. 659, n. 221
Ebulus	Chamberlain	1140–1158? *Cal.* Nos. 9, 29, 30, 35, 36	1161, superseded, *Cal.* No. 52 1162, still alive, *Cal.* No. 53

The result of this examination would seem to give the years 1156–1158[1] as the period in which the revision represented by the bulk of the Catalogue was carried out, for it must not be thought that such a compilation was undertaken for the first time at this period, and that the register of fiefs was a new departure : this view is negatived by the Catalogue itself, for it contains frequent references to the existing registers of the *Curia* as a source of information, *sicut inventum est in quaternionibus Curie* ; and it is possible that king Roger made an inquiry into the military resources of his kingdom as early as 1142 at the great court at Silva Marca. Nevertheless, as Von Heckel[2] has rightly suggested, a fresh inquest of fiefs was

[1] Two of the chamberlains, Marius Russus and Riccardus Philippi, were certainly in office after this limit, but they only give very little information compared with the large amount supplied by their predecessor Alfanus for the principality of Salerno. Hence the presence of these later chamberlains must be due to still later additions to the Register. Other officials who are found in the Catalogue are not included in the foregoing table, because it has not been possible to establish the dates at which they held office. They form, however, a small minority of the total number of officials mentioned.

[2] *Archiv. für Urkundenforschung*, vol. i. Leipzig, 1908, Rudolf von Heckel, *Das päpstliche und sicilische Registerwesen*, pp. 389–390.

In this article Capasso's theory that the loss of the *libri consuetudinum, quos defetarios appellant* in the sack of the palace at Palermo in 1161 was the occasion of the compilation of the Catalogue,

no doubt ordered, because the register in former use had become antiquated and valueless. The internal evidence from the names of the officials which gives 1156–1158 as the probable period of the new record is confirmed by the external events in the kingdom. The beginning of William I.'s reign was marked by rebellions and invasions which left a deep impress on the feudal condition of the provinces, so that the changes among the holders of fiefs would make a thorough revision essential.[1] Such a fresh record of the obligations of the feudatories might well form a part of Maio's scheme for increasing official control and tightening the hold of the *curia* over the knightly class. We know nothing of the means taken to obtain the new information except what may be gathered from the Catalogue itself: there is a hint of a court sitting at Taranto to carry out the survey, for the passage occurs: *Et sicut Alfanus Camerarius misit curie aput Tarentum*[2] . . . The description of the fiefs and the amount of service due is made sometimes by the chamberlain, sometimes by the holder himself, and sometimes by another tenant. In a few cases no return is made and a note is added that the chamberlain has been ordered to hold an inquest. Occasionally, too, as has been already noticed, reference is made to the existing quaternions of the *curia*. The Catalogue is divided according to the big sub-divisions or provinces of the kingdom. These are indicated with varying degrees of clearness; in some cases the description of a province is prefaced by its name, and the fiefs belonging to it are given in a compact group, and in other cases there is no definite heading to the section which begins a new province, while the greatest geographical

is severely criticised. It is obvious that the former registers cannot have been entirely destroyed, since information is frequently extracted from them in the Catalogue. Von Heckel moreover does not regard the *defetarii*, to which allusion is made, as belonging to the same class of registers as the Catalogue.

[1] The Catalogue records for the most part the feudal conditions as they existed after the suppression of the rebellion of 1156, and before the rebellion of 1161. Thus the counties of Conversano, Loritello, Lecce, and Montescaglioso are vacant after the deposition of the counts Robert, Tancred, and Geoffrey, and the count of Lesina is Geoffrey of Ollia and not William who was deprived in 1156. On the other hand Conza, Avellino, Fondi, and Acerra are still in the possession of the counts Jonathan, Roger, Richard of Aquila, and Roger respectively, for these only lost their lands after 1161. Many of the other counts mentioned in the Catalogue were in possession before 1156; such were Hugh of Molise, Robert of Aprutium, Silvester of Marsico, and probably Philip of Civitate. Gilbert of Gravina received his county before 1160, but his son Bertram, who appears in the Catalogue, was only made count of Andria in 1166 by the regent Margaret. In the case of Manopello it is impossible to say whether Boamund I., who took part in the revolt of 1156, or his successor Boamund II., is meant.

[2] *Cat. Bar.* p. 589, Art. 683.

confusion prevails in the order in which the fiefs are recorded. It should be noticed that the districts most clearly described are those which had a distinct political life in the period preceding the conquest of Roger II. Thus the Terra di Bari and the principalities of Taranto, Salerno, and Capua appear as compact districts, while there is much more confusion in the Central Region of Apulia and in those northern districts of the kingdom which had in course of time escaped the control alike of the dukes of Apulia and the princes of Capua, remaining practically independent until they were won back in the campaigns of king Roger's sons. In the case of the provinces the boundaries of which are well defined a separate chamberlain seems to be placed over each, but in the other more amorphous regions the spheres of the chamberlains are hard to establish. Within the provinces which form the big fiscal divisions of the kingdom, the country is divided into counties and constabularies. These are pre-eminently military divisions, since the Catalogue describes the feudal army. The counts led their own tenants in the field and were responsible for their military service, while the constables were royal officers placed over the lesser tenants-in-chief of the crown below the rank of count. The independence of the counts, in nearly every instance, from the control of the constables appears plainly in the Catalogue, for it frequently happens that the recital of the fiefs of a constabulary is interrupted by the description of a county, and when a return is made once more to the constabulary, it is announced by the words *de eadem comestabulia*. The connexion between the constables and the justiciars has already been noticed, and the value of the Catalogue as a means towards determining the circuits of the justiciars has been explained. It has been seen, too, that the counts exercised the powers of a justiciar in their counties, thus enjoying a jurisdiction concurrent with that of the royal justiciars. Consequently the territories of a county are excluded from the justiciar's authority, just as they are held to lie outside the sphere of a constable. Nevertheless, since a group of justiciars received a whole province as their circuit, the counties cannot be excluded geographically from the territory assigned to the royal judicial officers. It is the more necessary to insist on this fact, since in some cases, the lands of a count were intermixed with those of lesser tenants-in-chief. Generally, however, the counties were compact territories, forming a definite unit.

In the following investigation of the circuits under Roger II. and

William I., the geographical order of the Catalogue of the Barons is followed and the scheme is based on that document.

The Terra di Bari.

The Catalogue begins with the heading, *Ista sunt pheuda ducatus Apulie et Terre Bari*,[1] and gives a remarkably complete description of the fiefs of the Terra di Bari. It is fortunate that the number of documents which mention justiciars in the same district is unusually large, so that a considerable amount of information is at our disposal. It has been shown in tracing the evolution of the political divisions of the kingdom, that the region of Bari had freed itself from the control of Roger of Apulia and Boamund of Taranto in the early years of the twelfth century, and had pursued a practically independent existence since 1118 under Grimoald who called himself prince of Bari. This independence came to an end with the conquest of the city by Roger II., but he seems to have recognised the district as a separate entity when he made his second son Tancred prince of Bari. Although this title was soon discontinued, the region preserved its individuality under the name Terra di Bari, a designation which is first found in the Catalogue and in a document of 1164. According to the Catalogue, the land of Bari was divided into two constabularies and the three counties of Gravina, Andria, and Conversano. The constabularies had for their centres respectively the towns of Bari[2] and Barletta,[3] and each was under a separate constable. It is, however, possible from the wording of the Catalogue, that the knights of Barletta and their constable were under the control of the constable of the whole Terra di Bari. The arrangement of two constabularies does not find a parallel in the distribution of justiciars. There were generally, it is true, two justiciars in the Terra di Bari, but they held courts together both at Bari and Barletta and seem to have exercised jurisdiction jointly in the districts comprised in the constabularies. For instance in the time of king Roger and in 1155 William of Tivilla and Robert Seneschal administered justice together, at Barletta and at Bari.[4] Again in 1154 Robert acting alone heard a suit at Barletta, in the course of which, a court held by

[1] St. Arch. Nap. Reg. Ang. 242 (1322 A.). The edition of Del Re omits the words *et Terre Bari* which are found in the MS.

[2] *Cat. Bar.* p. 571. § *De Comestabulia Frangalij de Bitricto.*

[3] *Ibid.* p. 572. § *Item de proprio feudo Comestabulie Terre Bari militum*
Isti sunt milites Baroli de Comestabulia Angoth de Arcis.

[4] *Cal.* No. 42.

him at Bari some time previously, is mentioned.[1] It may be noted further that in the Terra di Bari the offices of justiciar and constable were not united in the same person, as frequently happened in other parts of the kingdom, although a man who had been constable might in the future become justiciar, as in the case of Judex Maior of Bitonto.[2] No one seems to have held the offices concurrently.

The three counties included by the Catalogue in the Terra di Bari were far less compact than the generality of counties in South Italy, and the number of knights' fees which they contained was comparatively small. The demesne of the counts of Gravina included, besides the name-place, Spinazzola, Polignano, and Montemilone, all undoubtedly situated in the Terra di Bari, and Forenza, apparently in the principality of Taranto. Other places which were held by sub-tenants of the counts must also have lain in the principality although this fact is not mentioned in the Catalogue: such were Tito, Laurenzana, Campomaggiore, while Marsico Vetere was in Val di Sinni. The territory of the county of Andria was no less widely distributed. In the Terra di Bari it possessed Andria, Minervino, and perhaps Banzi, although this probably belonged to the principality of Taranto or to the region of Melfi. Besides these, away in the south the counts held S. Arcangelo, Policoro, Colobraro, Roccanova, and Castronuovo, places which had belonged to the old counts of Chiaromonte and lay within the administrative area of Calabria and the valleys. To the county of Conversano belonged the towns of Terlizzi, Ruvo, Grumo, and Conversano, while the counts were also lords of Molfetta. Before 1132 the county had extended southwards as far as and including Brindisi, but these possessions were sold to Roger II. by Tancred of Conversano and apparently did not henceforth form part of the county.

It is worthy of note that the fiefs belonging to the three counties, even when they were situate within the land of Bari, did not form a compact mass, but were on the contrary intermingled with the lands of the *curia* and of the smaller tenants-in-chief: as a result of this arrangement the royal justiciars must have had all the Terra di Bari as a geographical area for their circuit, the land and men of the counties wherever they were

[1] *Cal.* No. 39.

[2] In 1155 we find that he was royal constable (*Cal.* No. 42) and in 1173-4 royal justiciar (*Cod. Dipl. Bar.* v. No. 133).

found, being exempt from their jurisdiction, for there is no known instance of a royal justiciar holding a court within their bounds before 1204.[1] The use of the territorial title of 'royal justiciar of the Terra di Bari' is not found till 1177,[2] and even after that date its appearance is only occasional; nevertheless the district which the 'justiciars of the Terra di Bari' administered, was, so far as can be gathered from the records of judgments, the same as that in which their predecessors without the definite title dispensed the justice of the king. Both before and after 1177, Bari and Barletta seem to have been the cities in which the justiciars as a rule sat to do justice, but exceptions are known: thus in 1136 Urso Trabalia[3] heard a suit perhaps at Bitonto or Bitetto, concerning rights at Grumo and Bitetto, and in 1189 Bernard of Fontanella and Robert of Venusio sat at Bitonto.[4] It is clear that the authority of the justiciars was recognised beyond the cities of Bari and Barletta for in 1154 a suit was brought by a citizen of Molfetta[5] and in 1158 the justiciar's competence was recognised at Modugno.[6] There can be no reasonable doubt that one of the circuits assigned to a pair of justiciars under Roger II. and William I. corresponded very closely with the territorial province of the Terra di Bari.

JUSTICIARS IN THE TERRA DI BARI.

1136	May	(Bitetto? (Bitonto?	Urso Trabalia g. d. et d. n. Rogerii magnifici regis tranensium dominator iusticiam manutenebam mihi ab eadem regia potestate commissam	*Cal.* No. 5
			Ugo Blanco Regalis iusticiarius	
1146	Jan.	Barletta	Sansone regali iustitiario	*Cal.* No. 19
T. R. R.			Guilielmus de tivilla et Robertus senescalcus regii iustitiarii	*Cal.* No. 42
1154	Oct.	Barletta	Robberto senescalco regis iustitiario	*Cal.* No. 39
1155	April	Bari	Guilielmus de tivilla et Robertus senescalcus regii iustitiarii	*Cal.* No. 42
before 1158			Goffrido regio justiciario	*Cal.* No. 47
1164	July	Barletta	Riccardo de Barolo regali barono et iustitiario	*Cal.* No. 60
1173	Nov.		. . . . Maiore de Botonto et Riccardo de Barolo iustitiariis	*Cod. Dipl. Bar.* V. No. 133
			iudex Maior regius iustitiarius (acting alone)	*Ibid.*

[1] *Chart. Cup.* pp. 288-9.

[2] Crudo, *La SS^ma Trinità di Venosa*, p. 254. A judgment of 1175 (St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 178 *bis*) uses the territorial title, but the genuineness of the document has been doubted by Capasso.

[3] *Cal.* No. 5.

[4] *Cod. Dipl. Bar.* v. No. 153.

[5] *Cal.* No. 39.

[6] *Cal.* No. 47.

1174	March	Bari	Nicolaus de Canusyo et iudex Maior Botonti regii iustitiarii	*Ibid.*
[1174	Nov.		Judici Maiori de Botonto terre Bari] regio Justiciario	St. Arch. Nap. Perg. Mon. Sopp. II. No. 178 *bis*
1177		Bari	Berardo de Fontanella terrae bari Regio Iustitiario	Crudo, *La SS^ma Trinità di Venosa*, p. 254
1177	Nov.	Bari	Berardo de Fontanella (royal justiciar)	*Ibid.*
1181	Feb.	Bari	Bernaldus de funtanellis et Iohannes Amerusius regii iustitiarii terre Bari	*Cod. Dipl. Bar.* V. No. 145
1184	Nov.	Barletta	Roberto de molino et Riccardo de Sancto nicandro terre bari Regiis Justitiariis	Capit. Archives, Troia Sacks K and M.
1189	Feb.	Bitonto	regii iusticiarii Bernardus de Funtanellis et Robertus de Venusio	*Cod. Dipl. Bar.* V. No. 153
1192	Feb.		Robertus de Venusio regis Justitiarius et Comestabulus	Crudo, *La SS^ma Trinità di Venosa*, p. 254

The principality of Taranto.

The next section of the country described in the Catalogue is the principality of Taranto:[1] it appears to occupy most of the country comprised in the later provinces of the Basilicata and the Terra di Otranto.[2] The portions of the principality which correspond roughly with the Basilicata are described as the constabulary of the county of Tricarico, and the county of Montescaglioso. The former included the lands of many tenants-in-chief of the principality, as well as those of count Roger of Tricarico and his sub-tenants. The two counties do not include the whole of the later Basilicata,[3] since, in the north, Picerno and

[1] *Cat. Bar.* p. 574, Art. 100—p. 578, Art. 267.

[2] Cf. Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, Paris, 1861, vi. 734. Innocent IV. mentions a grant of Constance and Frederick to Otto Frangipani of the *principatum Tarenti cum tota terra Idronti.*

[3] The name *Basilicata* is not found in the Norman period except in two documents, one of which is a palpable forgery, while the other in the opinion of Capasso is at least suspicious. The former is a judgment of *Philippus de Guisone Regius Justitiarius Basilicatae*, of 1162, Ind. x., St. Arch. Nap. : Processi di Regio Padronato an. 1784, 159. Atti M. 13. N 6. f. 21 : a note adds that this judgment no longer existed in the Archives of the Cathedral of Tricarico and was copied from a book called *Esistenza e validità de privilegi conceduti da Principi Normandi alla Chiesa Cattedrale di Tricarico* . . . di Antonio Zavarrone Vescovo della chiesa medesima, seconda edizione, Nap. 30 maggio 1750.

The second document is preserved in the St. Arch. Napoli. Perg. Mon. Sopp. vol. ii. No. 178 *bis*. It contains a concord between William of Manselleria and his wife Claricia and the abbess-elect of S. Mary of Brindisi, Scholastica, in the course of which *domino Achille Règio justiciario terre Idronti et camerario Basilicate* is mentioned; the date of the document is 1175, 10th king William, Nov. Ind. 8. = 1174. The opinion of Capasso on this document is expressed in his paper *Sul Catalogo dei Feudi*. The concord gives rise certainly to considerable suspicion. The title of Achilles is abnormal, for at this date it is unknown for the same man to be justiciar in one district and chamberlain in another; further, it is stated that the deed was drawn up by George of Brindisi,

Pietragalla mark the boundary, thus excluding Melfi and the surrounding country, and in the south, much of the later province belonged at this time to Calabria and its dependent valleys. The boundary apparently started south of the mouth of the Agri, and passed to the south of Tursi and then by S. Arcangelo, to the north of S. Chirico and Sarconi, and so to the upper waters of the Agri.

Judicial records for this northern portion of the principality of Taranto are very few and scattered: the first notice of justiciars comes from an undated judgment of the reign of William II., which must be later than 1176.[1] The justiciars are Fulk of Miglionico and Robert of Pietrapertosa, the former a tenant of the county of Montescaglioso, the latter a tenant-in-chief of the principality, according to the Catalogue. At a royal court held by them at Craco, with the assistance of the judges of Montepeloso, and the chamberlain, *domine florentie eggregie cometisse*, the prior of S. Michael of Montescaglioso complained that Robert Britton unjustly held the churches of S. Reparata at Gorgoglione, S. Mary of Purgo, S. Mary de Lupo, and S. Benedict and S. Vitus of Rocca. In the course of the suit the prior mentioned a previous court held by the same justiciars at Tursi in 1176, at which he had produced a royal mandate. The suit is interesting because it mentions a good many places both in the constabulary of Tricarico and the county of Montescaglioso, and this suggests that all this region belonged to the jurisdiction of one group of justiciars. In 1183, after the use of territorial designations was becoming frequent, Richard of Balbano 'royal constable and justiciar of the justiciarate of Melfi and the Honour of Montescaglioso' is mentioned.[2] On the analogy of the Honour of Monte S. Angelo, which included amongst

the notary of Achilles the justiciar, while the signature runs AChil̄e M̄A CAMER, giving yet another form to the title: probably a thorough examination of the document would lead to the discovery of further discrepancies.

[1] St. Arch. Nap. Perg. di Matera, No. 16. This judgment originally belonged to the Archive of S. Michael of Montescaglioso, for it appears in the list of documents given in the Codex Caveosus preserved at Monte Cassino.

[2] Capitular Archives Troia, sack K n. 13, M n. 11. Judgment of Nov. 1184 [= 1183] given in favour of the monastery of St. Nicholas of Troia by a court held by Tancred count of Lecce and Roger count of Andria, great constables and master justiciars of Apulia and the Terra di Lavoro at Barletta in the presence of many judges, royal barons, and justiciars, amongst whom was *Riccardo de balbano Justitiariatus melfie et honoris montis caveosi Regio Comestabili et Justiciario.* It is difficult to decide whether Richard was justiciar of the justiciarate of Melfi, and justiciar of the Honour of Montescaglioso, that is to say two separate regions united under one justiciar, or whether Melfi and the Honour formed one justiciarate. For a summary and discussion of this judgment, cf. *infra*, p. 361–3.

other lands, the counties of Lesina and Monte S. Angelo, it is not improbable that, at the end of the reign of William II., the Honour of Montescaglioso comprised the county of that name and the county of Tricarico.[1] The union of Melfi with the Honour forms a region corresponding, except in the extreme south, very closely with the later Basilicata. The question arises, whether this joint district formed a judicial circuit under Roger II. or William I., but it will be more fitly discussed in considering the justiciars of the Central Region of the duchy of Apulia.

The remaining portion of the principality of Taranto corresponds to the later Terra di Otranto[2] In the Catalogue it consists of the county of Lecce and the land of a considerable number of smaller tenants-in-chief. The description of the region, however, is not very complete and no constabulary is mentioned. Judicial records again are few and far between. In 1136, three justiciars, Roger of Barolo, Roger of Brahalla, and Roger of Bisignano decided a suit concerning the rights of the church of S. Peter Imperialis at Taranto over the son of a certain villain.[3] On the principle that justiciars always held land in the district they administered, Roger of Barolo was probably the justiciar for the region, as he had a fief in Taranto.[4] His colleagues apparently came from the Val di Crati, and it may have been a joint court which the three justiciars were holding. The only other document which mentions a justiciar of this region, before the territorial title was adopted, is a concord of 1155 concluded by William of Lecce, lord of Palagiano with the prior of S. Angelo of Casalrotto in the presence of *domini Rogerii Flandrensis Regii Justitiarii et Comestabuli*, at Mottola.[5] In the documents of this period both Roger *Flandrensis* and Roger *Flamingus* appear frequently. Both names imply that he was a native of Flanders and it is probable that both Latin forms stand for the same person. In the Catalogue the wife of Roger Flandrensis held three knight's fees in Nardò,[6] while Roger Flamingus is mentioned several times: he held three fees in Taranto[7] as well as others at Grumo[8] and

[1] On more than one occasion the chamberlains of the Honour of Montescaglioso are found, *e.g.* in Sept. 1188, Robert *tituli honoris montis scaveosi regii camerarii* was present in Conversano with the chamberlain of that county. *Chart. Cup.* No. 133, p. 257.

[2] *Cat. Bar.* p. 575, Art. 155—p. 578, Art. 267. [3] *Cal.* No. 6.

[4] *Cat. Bar.* p. 577, Art. 219, *Fulco Veltrus tenet in Tarento feudum quod fuit Mabiliae uxoris quondam Rogerij de Berulo.*

[5] *Cal.* No. 41, and *App.* No. 12. [6] *Cat. Bar.* p. 578, Art. 267.

[7] *Cat. Bar.* p. 576, Art. 211. [8] *Ibid.*, p. 571, Art. 6.

Palo[1] in the Terra di Bari. Besides his own land, he makes returns in the Terra di Otranto for fiefs in Soleto[2] and Otranto[3] as if he was in some official position, which with the help of the concord of 1155 may be regarded almost certainly as that of constable. The military side of his office is brought out by the Greek historian Kinnamos, who speaks of the resistance offered to the forces of the Byzantine general Doukas at Polignano and Mottola by Flamingus, in his attempt to bar the way to Taranto.[4] It seems sufficiently obvious that Roger was the royal constable and justiciar in the Terra di Otranto. At a later period he was present at courts held at Barletta and by this time he may have been one of the master captains of Apulia.[5] The next notice of justiciars in the Terra di Otranto belongs to the year 1175, when they bear the territorial title.[6]

The central districts of the kingdom (Honour of Monte S. Angelo and Capitanata).

The description of the fiefs throughout the central regions of the kingdom is placed in the Catalogue between the description of the principality of Taranto, which ends in the extreme south of the peninsula at Nardò,[7] and that of the principality of Salerno headed *De Principatu*.[8] This central region does not correspond precisely with any province or group of provinces as they were established under Frederick II., since it contains as well as the whole of the later Capitanata parts of the later provinces of Terra Beneventana, Basilicata, and Molise. The geographical order followed in this part of the Catalogue shows considerable confusion, so that before attempting to set out the administrative districts in this region under the Norman kings, it is necessary to enumerate the lands attributed to it in the Catalogue.

It has already been noted that the principality of Taranto ends with the fiefs of Nardò at Article 267. The next article takes up the description of Salpi near the Adriatic coast not far north of Barletta, but there is no heading or indication of the subject matter of the section. After the mention of Salpi, the scattered fiefs of Tressanti, Venosa, Rapolla, and Ripacandida are described. These places are widely

[1] *Ibid.*, p. 573, Art. 90. [2] *Ibid.* p. 577, Art. 240. [3] *Ibid.* p. 578, Art. 253.

[4] Kinnamos, p. 152, ἦ δέ τις ἐνταῦθα πόλις Πολυμίλιον κεκλημένη, ἔνθα τῶν περὶ τὸν Γιλίελμον συνέβαινεν εἶναί τινα Φλαμμίγγον ὄνομα; pp. 153, 156, 157.

[5] Cf. *supra*, pp. 286–7.

[6] Crudo, *La SS^ma. Trinità di Venosa*, p. 254, 1175, *Residentibus Nobis Oliverio de Brancamala et Philippo de Hostuno Domini Regis Terrae Idrunti Iustitiariis. In regali curia apud Brundusium.*

[7] *Cat. Bar.* p. 578, Art. 267. [8] *Ibid.* p. 583, Art. 437.

separated from each other and from the lands next set down in the Catalogue, which now takes up the description of a compact geographical region. It begins with the lands of Richard son of Richard at Vallata, Flumeri, Trevico, and Montaguto, and those of count Robert of Caserta at Mandra and Volturino. Next follows the county of Civitate, first the demesne of the count and then the fiefs of his barons. Some smaller tenants-in-chief seem to be included as well, but it is somewhat difficult to mark the distinction between the sub-tenants of the count and the tenants of the king. The county forms a compact territory lying in the valley of the Fortore and touching on the west the lands of Molise. The fiefs of count Roger of Buonalbergo and his barons are next described under the heading of Terra Beneventana: they were, for the most part, situated on either bank of the lower courses of the R. Tamaro, and stretched in a straggling line by way of Montecalvo to Greci and Savignano on the R. Cervaro. All his possessions lay to the north of the R. Ufita with the solitary exception of Apice. The compilers of the Catalogue now pass north and describe a compact mass of territory between the mouth of the R. Trigno and Monte Gargano and between the Adriatic coastline and Fiorentino, which included the constabulary of William Sclavo, the county of Loritello, the lands of S. John in Lamis, the county of Lesina and a few northerly fiefs of the county of Civitate as well as the possessions of sundry smaller tenants-in-chief. After giving a tolerably complete account of this region of Monte S. Angelo, the Catalogue takes a wide geographical leap and describes the fiefs of the county of Avellino which were situated in the duchy, to the west of the R. Sabbato. A step backward is next taken and the tenants-in-chief round Troia are catalogued with a note prefixed to say that they belonged to the same constabulary of Richard son of Richard, under Guimund of Montilari. It should be noted that this constabulary has not been explicitly mentioned before. A number of religious houses and bishoprics, Troia, Orsara, Melfi, and Banzi follow the tenants-in-chief round Troia and together with the knights of S. Agata, Bovino, and Ascoli, seem to belong to the constabulary of Richard. A short summary of the possessions of monasteries all over the central region of the kingdom is next given, and it seems as if the Catalogue of the whole district is thus brought to a conclusion.

Before, however, the description of the principality of Salerno is undertaken, a certain number of scattered fiefs is inserted, which it is hard

to ascribe to any administrative division. They include Montefusco, a few places not far from Benevento, and the lands of Richard of Balbano situated between the Torrente Calaggio and the town of Melfi.

While this whole central region oversteps the provincial boundaries as they existed under Frederick II., it is worth noting that it agrees closely with the diocese of Benevento as it was constituted at the beginning of the eleventh century. The ecclesiastical province was identical in theory with the ancient principality of Benevento, and according to a bull of Benedict VIII.,[1] it contained in 1014 Bovino, Ascoli, Larino, Trivento, Lucera, S. Agata, Avellino, Ariano, Vultorara, Telese, Alife, Sessula, Lesina, Termoli, Siponto, and Gargano. Certain of these places, it is true, Trivento, Telese, Alife, and Sessula, are outside the central region of the Catalogue, for Trivento belonged to the county of Molise and the last three for many years had formed part of the principality of Capua. In comparing the central region with the province of Benevento, it must not be forgotten that as a set-off to the losses on the side of Capua, there was a substantial gain in the district round Troia and Melfi, which was in 1014 in the hands of the Byzantine Catepans. On the whole then this central region corresponds with the duchy of Benevento.

The fact that the provinces as described in the Catalogue do not coincide with those established in the thirteenth century has generally been accounted for by the faulty arrangement of the document and it has been said that the region really corresponded in Norman times to the later justiciarate of the Capitanata, since the presence of fiefs belonging to Basilicata, Terra Beneventana, and Molise was regarded as due to the insertions of portions of these provinces which had been omitted from their right order.[2] This view can be accepted only to a limited extent; for while it seems clear that the original order of the Catalogue has been disturbed in some particulars, it is equally clear that the provinces in the Norman period, as they existed for administrative purposes, differed considerably from those of the thirteenth century. This has already been shown to be the case, in treating of the principality of Taranto, and the reconstruction of the provinces of the central region by means of a comparison of the evidence of the Catalogue with that of other contemporary documents, must be attempted.

The Catalogue indicates a division of the central region into two

[1] Chalandon, i. 19, 20.

[2] Capasso, *Sul Catalogo.*

constabularies. The more northerly portion between the mouth of the R. Trigno and Monte S. Angelo was placed under William Sclavo, the successor of Roger Bursellus, at the time the Catalogue was compiled in its present form, while the more southerly part was committed to Guimund of Montilari with Richard son of Richard as under-constable. The counties were five in number, Civitate, Buonalbergo, Loritello, Lesina, and Avellino. The division into two constabularies finds a parallel in the division of the region between two groups of justiciars during the Norman period. Under Frederick II. it formed only one judicial province, but its double title of *Justiciarate of the Capitanata and of the Honour of Monte S. Angelo* bears witness to the previous division into two circuits.[1]

The constabulary of William Sclavo[2] contained many fiefs in the district of Monte S. Angelo, including those lands of count Geoffrey of Lesina which did not form part of the county, since he inherited them from his father, the justiciar Henry of Ollia.[3] Besides the region of Monte S. Angelo, the fiefs of the dismembered county of Loritello between the R. Trigno and Dragonara also belonged to this constabulary.[4] The fluctuating fortunes of this county must have caused many variations in the extent of the constabulary. From the time of its suppression under Roger II. in 1137 until its revival in 1154, the county apparently lost its identity and was merged for military and administrative purposes in the neighbouring constabularies. The revival was short-lived, for when the rebellion of count Robert was crushed by William I., it would seem that his fiefs were once more combined with the constabularies. With the restoration of the count in 1170, this process was once again reversed and during the later years of William II., the county of Loritello enjoyed complete immunity from the control of the ordinary royal officials.[5]

Excluding the lands of the county the rest of the district placed under William Sclavo, corresponded closely with the territory of the Honour of Monte S. Angelo as it existed in 1177. In this year it was granted by William II. to his bride Joan of England, and the diploma issued on this occasion furnishes a list of the component parts of the Honour.[6] In demesne, the queen held the county of S. Angelo and the cities of

[1] Cf. E. Winkelmann, *Acta Imperii Inedita Seculi* xiii., Innsbruck, 1880, i. 631, *Iusticiariatus Capitinate et honoris Montis Sancti Angeli*, and p. 771.

[2] *Cat. Bar.* p. 581, Arts. 376–380, and Arts. 383–6, 388–9.

[3] *Ibid.* p. 581, Arts. 377, 383–5.

[4] *Ibid.* p. 581, Arts. 357–375.

[5] Cf. *supra*, p. 335.

[6] Benedictus Abbas (Rolls Series), pp. 169–172.

Siponto and Vieste, while *in servitium* she received a grant of the county of Lesina and the monasteries of S. Mary of Pulsano and S. John in Lamis. These latter possessions *in servitium* are described with a good deal of precision in the Catalogue of the Barons.

The immediate predecessor of William Sclavo was Roger Bursellus,[1] and the lands of both these constables seem to have been situated in the north-west part of the constabulary rather than in the region of Monte S. Angelo.[2] One more constable for this district, Hubert of Calvello, is known from a judgment issued in 1153 by the justiciars Henry of Ollia and Boamund Britton at Vieste,[3] a port in the extreme east of the region of the Gargano. It is impossible to fix the geographical position of Calvello, but the suggestion may be hazarded that it is to be placed in the county of Loritello on the borders of the later Capitanata and Molise, for the fiefs of a certain Berard of Calvello are described in the section dealing with the county of Molise.[4] The boundary between these provinces is not clearly defined in the Catalogue and the same barons appear in the sections dealing with either region. For instance, the lords of Monte Mitolo are expressly called barons of William Sclavo's constabulary and yet a portion of their land is described in the same section of the Catalogue as that which mentions Berard of Calvello in the county of Molise.[5]

Records of justiciars are frequent in this region and cover the period from 1140 to 1183. Henry of Ollia, who appears as early as 1140, heard pleas together with Boamund Britton in 1151 and 1153, both in the district of Monte S. Angelo and in the county of Loritello, so that it seems plain that the judicial circuit corresponded in extent with the constabulary. From 1156 at least to 1175 or later[6] Geoffrey count of Lesina, a son of Henry of Ollia, exercised the office of royal justiciar. He was probably succeeded by Benesmirus a knight of Siponto, who in 1175 and 1180 calls himself a royal justiciar,[7] and in 1183 together with his colleague Guimund of Castelluzzo bears for the first time in this region the territorial title of justiciar of the Honour of Monte S. Angelo.[8] With the restoration of Robert of Loritello in 1170, the county would naturally be removed from

[1] *Cat. Bar.* p. 581, Art. 380.
[2] *Ibid.* p. 581, Art. 362, cf. p. 601, Art. 1024.
[3] *Cal.* No. 34.
[4] *Cat. Bar.* p. 591, Arts. 735, 736, 740.
[5] *Ibid.* p. 581, Art. 380, and p. 591, Art. 745.
[6] *Cal.* No. 61.
[7] St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 175, vol. iii. Nos. 216, 217, 218.
[8] Capit. Arch. Troia, cf. *infra*, p. 361–2.

the circuit of this group of justiciars, for the count enjoyed full judicial rights and appointed his own justiciars in his own territory. On his death in 1182, the county seems again to have been vacant, but evidence is lacking as to its administrative fate. Before leaving the subject of the county, it should be noticed that some outlying portions, such as Foggia and Bovino, belonged during the periods of abeyance to the constabulary of Guimund of Montilari and not to that of William Sclavo.

The second constabulary mentioned in the Catalogue for this central region is attributed to Guimund of Montilari with Richard son of Richard as under-constable. The heading runs : *De eadem comestabulia. Riccardus filius Riccardi sub Comestabulia Guaimundi de Montellar̄.*[1] Now we know from judicial records that Guimund of Montilari[2] was a royal justiciar at Troia and in the neighbouring country during the last years of king Roger, so that the information given by the Catalogue as to his constabulary is of special value in determining his judicial circuit. The description of the lands of this constabulary is, however, confused to a degree, and it is hard to disentangle the region committed to Guimund from the neighbouring counties and constabularies. The fiefs which follow immediately the mention of his name in the Catalogue are found in the neighbourhood of Troia and Melfi. First come those belonging to small tenants-in-chief at Casteluccio, Rocca Troia, Foggia, and Castiglione.[3] Next follow the names of a number of ecclesiastics, the bishop-elect of Troia, the abbots of S. Nicholas of Troia, of Orsara, and of Vultu, the bishop of Melfi and the

[1] *Cat. Bar.* p. 582, Art. 396.

[2] *Montilari* (Mons Hilaris, Monte Ilaro, Montellara, Montilla) was situated between Troia and Bovino in the Diocese of Bovino, cf. Di Meo, t. xii. p. 408. The castle gained an unenviable reputation in 1051 as the scene of the assassination of count Drogo. In 1100 it formed part of the desmesne of count Robert of Loritello, whose bailiffs at Bovino and Montilari oppressed the church of S. Lawrence *in Valle*, and in 1118 Raymund, son of Rodolph, count of Loritello, issued a charter from the castle of Montilari (Ughelli-Coleti, *Italia Sacra*, t. viii. col. 251).

Under king Roger the castle belonged to the justiciar Guimund, but it does not appear that his descendants inherited the fief. The Catalogue of the Barons states that Guimund's son held Casteluccio.

The Catalogue attributes Montellar̄ to count Jonathan of Conza, but probably this is a mistake for Montella in the diocese of Nusco, which was certainly in the hands of Simon of Tivilla, one of Jonathan's barons, in 1143. However this may have been, Montilari once again formed part of the county of Loritello, for in 1180 its tithes were granted to the see of Bovino by count Robert. By 1226, the castle had passed to count Rao of Balbano, the son of Philip of Balbano. He issued a judgment in this year concerning a dispute about Montilari and mentions that in the time of William I. it was in the hands of count Ritrand of Calinta (Ughelli-Coleti, *Italia Sacra*, t. viii. col. 262).

[3] *Cat. Bar.* p. 582, Arts. 396-401.

abbot of Banzi.[1] It will be noticed that the first three of these belong to Troia or its immediate neighbourhood: the last three to the district round Melfi on the left bank of the Ofanto, although it does not necessarily follow that the lands ascribed to them were situated in the immediate district. Following these ecclesiastics is a notice of a lay tenant who holds half of Pietra Secca, and then the knights of S. Agata, Bovino, and Ascoli[2] on the right bank of the Ofanto are set down. The knights of Ascoli owe service to the Trinity of Venosa,[3] and the conditions of their service are duly entered. Following hard upon this information are the names both of religious houses in the neighbourhood and of possessions equally in the neighbourhood, belonging to monasteries which were themselves situated at a distance.[4] It has been already noticed that these lists seem to indicate the conclusion of the constabulary which we have been considering as well as of the whole section of the Catalogue which describes the Central Region of the duchy, since some of the places contained in them are in the honour of Monte S. Angelo while others are found in the Capitanata. The lands, then, which are attributed to the constabulary of Richard son of Richard under Guimund of Montilari, form a compact group stretching from Lucera to the neighbourhood of Melfi. Although this district alone is expressly assigned to the constabulary, the use of the words *de eadem constabulia* shows that another part of the constabulary has been described previously. This formula is frequently used in the Catalogue when the recital of the fiefs under a constable has been interrupted by the insertion of a county. In the instance under discussion the insertion has been a long one, for it included the counties of Avellino, Lesina, Loritello, Buonalbergo as well as the constabulary of William Sclavo and possibly the county of Civitate. Consequently after making these omissions, the portion of the Catalogue to which tacit reference seems to be made is that which contains the description of Mandra and Volturino,[5] fiefs once more in the neighbourhood of Troia, as

[1] *Cat. Bar.* p. 582, Arts. 401–3. [2] *Ibid.* p. 582, Arts. 404–8.

[3] *Ibid.* p. 582, Art. 409, § *De Corneto Sancte Trinitatis de Venusio.* § *De Sancto Johanne in Fronte. Pro Abbati Sancte Trinitatis de Venusio.* § *De Valle Sorbi eiusdem Abbatis.* § *De Orta eiusdem Abbatis.* § *De Barano eiusdem Abbatis.*

§ *Abbas Sancti Johannis in Lama.*

§ *Abbas Sancte Trinitatis Cave.*

§ *De sancto Petro de Olivula et sancto Jacobo de Luceria.*

[4] *e.g.* Varano belonging to the Convent of Venosa is situated in the Honour; so too St. John in Lamis belonged to the same region. [5] *Cat. Bar.* p. 579, Art. 294.

well as the lands of Richard son of Richard himself,[1] and the list of places at the beginning of the whole section of the Catalogue, to wit, Salpi, Tressanti, Rapolla, Ripacandida, and Venosa,[2] which form a sort of boundary line towards the Terra di Bari and the principality of Taranto. The fiefs of Richard son of Richard were Trivico, Contra, Flumeri, and Vallata, and since we should expect to find his lands situated within the constabulary committed to him, it may be regarded as tolerably certain that the sphere of Guimund of Montilari stretched as far south as the river Ufita and consequently included a part of the later Terra Beneventana.

In addition to the lands already mentioned, it is not improbable that part at any rate of the district included under the heading *Comitatus Civitatis*, ought to be attributed to the constabulary of Guimund of Montilari, for some tenants-in-chief are apparently mixed up with the tenants of the county. The authority of the constable may indeed have been exercised over the tenants of the count as well, since *Guarmundus* makes the returns of many knight's fees for count Philip of Civitate,[3] and Guarmundus may well be identified with Guimund of Montilari, who moreover is found associated with the count of Civitate on judicial business.[4] The district thus arrived at, as the constabulary of Guimund, is no doubt a large one, but the presence of an under-constable presupposes an area of considerable extent. It would seem to have included the greater part of the later Capitanata proper, the most northerly region of the later Basilicata and some portion of the Terra Beneventana.

Turning to the judicial side of Guimund's activity, contemporary records describe his presence as royal justiciar in 1151 and at some unknown date at the end of the reign of Roger II., within the region of his constabulary. In 1151 he heard a suit in the court of the monastery of S. Mary of Bolfannana,[5] situated near the R. Sandore, between the abbot

[1] *Ibid.* pp. 578-579, Arts. 291–293. [2] *Ibid.* p. 578, Arts. 268–290.

[3] *Cat. Bar.* pp. 579–580, Arts. 295, 304, 305, 323. It is possible that count Philip of Civitate was a minor at the time when the returns of his fiefs were made by Guimund. A charter was issued in Jan. 1152 by *Robertus filius quondam Roberti comitis dei et regia gratia civitatensium comes* (St. Arch. Nap. Perg. Mon. Sopp. vol. i. No. 58), and this Robert was probably the nameless count of Civitate who was associated with Guimund of Montilari in 'the time of king Roger.' Philip must have succeeded to the county about the beginning of William's reign, but unfortunately nothing is known about him. His son Henry was count in 1180 (St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 226).

[4] *Cal.* Nos. 37, 45. [5] *Cal.* No. 31.

of that convent and the abbot of Cava concerning a mill. The dispute was ended by a concord between the two parties, drawn up in the presence of Rao of Rocca and John of Boccio, royal barons, the castellan of Troia, and two judges of Foggia. It should be noted that Rao and John are mentioned in the section of the Catalogue which describes the fiefs expressly attributed to Guimund's constabulary. In the 'time of king Roger' Guimund held a court at Troia, together with the count of Civitate, to settle a dispute between Monte Cassino and John of Boccio and his sons, about some land at Castiglione.[1] It is an unfortunate circumstance that the only judicial records left by Guimund apply to places which are definitely ascribed to the constabulary in the Catalogue, so that no light is thrown on the rest of his district to which tacit reference is made. Nevertheless, it is significant that the count of Civitate was his colleague, and it may be inferred that the justiciar's circuit, like the constabulary, contained most of the later Capitanata and the northern region of the later Basilicata. Guimund's immediate successors were Rao and Luke of Rocca. The former with the title of royal justiciar is found as the advocate, for this occasion, of the abbot of Orsara in a concord drawn up in 1159 with William III., bishop of Troia, concerning property at Foggia and Monte Calvello.[2] Luke of Rocca, royal justiciar, witnessed a charter of bishop William's in 1170.[3] Here again the people and places mentioned belong to the same region of Troia and its neighbourhood. In 1180 another justiciar, Gervase of Mastrali, is mentioned in a charter issued by count Henry of Civitate.[4] It is not a little curious that in the later Norman period, when the justiciars were generally assuming territorial titles, the name of Capitanata is never used to describe the circuit of the justiciars in this part of the central duchy. This is the more remarkable, since the word Capitanata is often used by the chroniclers of the 11th and 12th centuries as the customary designation for the region.

Before leaving the region of the Central Duchy, the counties of Avellino and Buonalbergo and the miscellaneous collection of fiefs which are placed just before the description of the principality of Salerno must be discussed. The portion of the county of Avellino described in this section is definitely

[1] *Cal.* Nos. 37, 45. [2] *Cal.* No. 51. [3] *Ibid.*

[4] St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 226, cf. *Cat. Bar.* p. 616, Arts. 1405, 1406. Appendix of Feudatories of the Capitanata of the 13th century, in which Hugh of Mastrali holds Baselice, and Payn of Mastrali holds Monte Saraceno.

attributed to the duchy,[1] but beyond this statement, which only means that it did not form part of the principality of Capua, there is no clue to the province to which it belonged. It is placed in the Catalogue[2] between the end of William Sclavo's constabulary and the omitted portion of that of Guimund of Montilari. In the 13th century this part of the county belonged to the Terra Beneventana.

To turn to the county of Buonalbergo, it must be noticed that the heading *Terra Beneventana*[3] is prefixed to the returns made by count Roger of his demesne and of the fiefs held by his vassals, and this is the only occasion on which the expression is used in the Catalogue. Romuald of Salerno uses the term when he is describing Roger's conquests after the departure of Lothar in 1137. The king besieged Nocera, seized all the Terra di Lavoro, and put Capua to the sword. Sergius of Naples next made his submission, and then Roger taking Sergius with him turned his forces in the direction of Apulia and recovered all the Terra Beneventana and the Capitanata.[4] Under Frederick II. the name was given to the administrative province in which the county was situated, and at this period the Terra Beneventana included, not only the county of Buonalbergo, but also that of Avellino, the constabulary of Gilbert of Balbano,[5] and the lands of Richard son of Richard, and part of the fiefs of Richard of Balbano. It does not seem likely that this arrangement already existed during the second half of the 12th century, for there is good reason for believing that Richard son of Richard was constable under Guimund of

[1] For the history of this portion of the county and the reason for its attribution to the duchy, cf. *infra*, p. 373.

[2] *Cat. Bar.* p. 582, Art. 392.

[3] *Ibid.* p. 580, Art. 344. *Terra Beneventana. Comes Rogerius Boni Albergi dixit, quod demanium suum Terre Beneventane de Apice est feudum VI. militum, de Bono Albergo feudum IV. militum, de Sancto Severo feudum III. militum.* His sub-tenants fall into three groups: (*a*) those who held directly of the county; Gerard of Greci held Greci, Savignano, and Ferrara; his sisters the wives of —— of Potofranco and William of Potofranco held Monte Calvo and Ginestra; Geoffrey, son of Pain of Montefusco, held Monterone, Campolattaro, S. Croce, and some villeins in Apice; Robert of Monte Malo held S. Giorgio and Guasto; Robert of Molinara held Molinara; in all twenty knight's fees or forty *cum augmento*: (*b*) those who held portions of the barony of Thomas of Faicchio; Robert of Monte Malo held Gioia, Palata, and S. Giovanni *Maytiñ*; Robert de Marra or Morra (this is the right reading of Robert *de Marca*, cf. F. B. p. 217, where Pesclo is said to be the fief of Robert *de la Marra*) held Regina; Mallerius della Marra held Pesclo; Savarin of Terra Rossa or Terra Roggia held Tamaro and Terra Rossa; Bartholomew of Pietrapulcina held Pietrapulcina; Raul Pinellus held Fragneto; in all eleven knight's fees or twenty-two *cum augmento*: (*c*) those who held part of the fief of William of San Framondi; Bartholomew of Monteforte held Fragneto; and Hugh Bursellus held Ponte Landolfo; in all three knight's fees or six *cum augmento*.

[4] R. S. p. 422.

[5] *Infra*, pp. 360–3, 365.

Montilari in the district north of the R. Ufita, while Gilbert of Balbano certainly exercised his office south of that river. It is, however, probable that a dislocation has occurred in the order followed by the Catalogue in describing this region. In the county of Buonalbergo itself this is obvious, for the description of the lands of the sub-tenants breaks off at Art. 355, without any summary of the total number of fees in the county. This summary, together with the return of the fiefs of another sub-tenant, is to be found, however, embedded in the account of William Sclavo's constabulary between Art. 380 and Art. 383. While this small dislocation can be proved, a larger one can only be suspected. It has been seen that the miscellaneous collection of fiefs begins with the knights of Montefusco, and contains besides the names of a number of tenants-in-chief, whose lands were for the most part intermingled with the county of Buonalbergo.[1] These tenants-in-chief were moreover in several instances tenants of the county for other fiefs.[2] It does not seem improbable then that the knights of Montefusco and the small tenants-in-chief should be inserted after the sum of the Buonalbergo fiefs. This is the more likely since all these lands together correspond very closely with the old county of Ariano,[3] which was dismembered when the last count Roger was sent a prisoner to Sicily in 1139. The knights of Montefusco were organised under a constable of their own as early as 1132,[4] and in 1174 the constable Hector was a royal justiciar.[5]

[1] *Cat. Bar.* p. 583, Arts. 427–432. The *curia* held two fees in Pietra Maggiore formerly held by Hugh son of Fulcher, and Simon son of Roger; Hugh son of Fulcher held fifteen villeins in Pietra Maggiore and one fee in S. Andrea; William of Fontanarosa held one fee in Paduli, one in Monte Malo, and one in Santo Lupulo and in Valle Telese; Hugh of Paduli held half Murrone, which was one fee; Raho of Foro Nuovo held one fee; Savarin of Terra Rossa held one fee in Paduli; and Robert of Monte Malo held Monte Leone (two fees).

[2] Savarin of Terra Rossa, and Robert of Monte Malo, *Cat. Bar.* pp. 580–1, Arts. 347, 345, and 353.

[3] The demesne of the county of Ariano contained *inter alia* Ariano, Montefusco, Apice. The two former became royal towns, while Apice went to the count of Buonalbergo. Former tenants of the county of Ariano which extended from Faicchio to Montefusco (F. B. p. 187), and from Montefusco to Ariano, included Robert della Marra (F. B. pp. 217, 235, 238); Bartholomew of Pietrapulcina (F. B. pp. 217, 235); Robert of Potofranco (F. B. p. 238); Raul Pinellus, lord of Fragneto (F. B. p. 240) (all attributed in the Catalogue to Buonalbergo); Thaddeus de la Greca and Guimund (F. B. 235) (knights of Montefusco); and Robert of Pietramaggiore (F. B. p. 238) (tenant-in-chief). Other places which had belonged to the county of Ariano are Ponte Landolfo, Campolattaro, S. Giorgio, and Tamaro (all attributed to the county of Buonalbergo in the Catalogue), Guardia and Morcone (F. B. p. 242).

[4] Cf. *supra*, p. 250.

[5] St. Arch. Nap. Perg. Monte Vergine, vol. xlvi. No. 20, 1174, 8th year of king William, April, Ind. vii. Grant of Tancred de Molisio and Amelina his wife of land in the district of

The region round Benevento, which was practically equivalent to the county of Ariano, was sharply contrasted with the Capitanata by Falco Beneventanus,[1] but there seems to be no means of deciding to what district it belonged for judicial purposes under the Norman kings.[2]

One more group of fiefs which occupy a triangle having the source of the Calaggio, Melfi, and Ascoli at its angles, is described in the Catalogue after the miscellaneous collection of tenants near Benevento, and attributed apparently to the constabulary of the Central Duchy. The group is composed of the lands of Richard of Balbano at Cisterna, Rocca (Rocchetta), Lacedonia, Monteverde, Armatera, and Vitalba, and of the possessions of Samson of Barile, Richard of Genzano, and Geoffrey of Francavilla, at Francavilla.[3] Richard of Balbano's father was a certain Gilbert of Balbano, who held Rocchetta and Lacedonia according to a document issued by him in 1152.[4] He does not here give himself any official title, but it is hard to resist identifying him with the constable of the same name. This Gilbert of Balbano exercised his authority, according to the Catalogue, in that part of the principality of Salerno which lay between the R. Ufita and a line passing from Pescopagano to a point just north of S. Severino. If the evidence of the Catalogue as to the extent of Gilbert's constabulary be accepted, his own fief of Rocchetta will be excluded, although we should expect a constable's fiefs to be situated within his official sphere. Perhaps the difficulty is due to the faulty arrangement of the Catalogue, and Richard's principal fiefs, Rocchetta, Cisterna, Lacedonia, and Monteverde should really be placed in the constabulary of Gilbert and therefore in the principality of Salerno, while Armatera and Vitalba, as well as Francavilla, which were across the Ofanto, alone belonged to the Central Duchy. It should be noted, however, that one branch of the Balbano family did hold

Montefusco *in loco ubi Marcopi dicitur* to the monastery of S. Mary of Montevergine *Ante dominum Hectorem montisfusculi comestabulum et regium justiciarium et dominum Raynaldum filium quondam Gimundi pipini, et dominum Tancredum de cantalupo et dominum Herbertum filium quondam Milonis pagani. . . .*

[1] F. B. p. 238, Rainulf of Alife, '*nec mora, Trojam dimittens Capitanatam* (so Chalandon rightly emends *captivatam*) *totam suae alligavit potestati, et inde procedens super Comitis Rogerii de Ariano Comitatum advenit, qui continuo Alferium Draco, et Robertum de la Marra, et Robertum de Petramajori, et Robertum de Potofranco, aliosque Barones ipsius Comitis suae subjugavit ditioni.*'

[2] A fresh difficulty is raised by the appearance of the chamberlain Alfanus (principality of Salerno) in the section of the Catalogue giving the miscellaneous tenants-in-chief already mentioned. The chamberlain states that Hugh of Paduli holds *medietatem Murronis*, *Cat. Bar.* p. 583, Art. 429; probably Murrone was in the principality of Salerno and is only given here in order to complete the fiefs held by Hugh of Paduli, which for the most part belonged to the Terra Beneventana.

[3] *Cat. Bar.* p. 583, Arts. 433–6. [4] Di Meo, x. ad an. 1152, n. 9.

land that was undoubtedly in Gilbert's constabulary, for Philip, Richard's nephew, had S. Angelo, Calabritto, Caposele, Viara, and Valva;[1] Gilbert may have been in possession of these fiefs and they may have given him the necessary qualification for office. Still Rocchetta and Lacedonia are the only places that certainly belonged to him. It may be added that a considerable omission in the Catalogue occurs after the recorded fiefs of Gilbert's constabulary, since the description of the county of Molise begins without any heading and many fiefs belonging to the county are omitted.[2]

Another difficulty is presented by the title of royal constable and justiciar of the justiciarate of Melfi and the Honour of Montescaglioso, which is borne by Richard in 1183. This is the first and only territorial designation given to a justiciar in the neighbourhood of Melfi, and it is found in the record of a suit brought by Segnalis, abbot of S. Nicholas of Troia, against the men of Ascoli, at a solemn court at Barletta held by the master constables and justiciars of Apulia and the Terra di Lavoro, Tancred count of Lecce and Roger count of Andria, together with Richard of Balbano already described, Robert of Molino and Richard of S. Nicandro, royal justiciars of the Terra di Bari, and Benesmirus of Siponto and Guimund of Castelluzzo, royal justiciars of the Honour of Monte S. Angelo, as well as Philip, brother of the count of Andria, several royal barons, Mathew of Matera, royal notary, and the judges of Bari, Barletta, Trani, Monopoli, and Bisceglie.[3] Some account of the suit must be given in order to establish the region to which the parties and the land in dispute belonged, in the hope of explaining the problems of jurisdiction which are raised. The abbot produced a mandate from king William (II.) ordering count Tancred to hear the suit in the presence of both parties and of the chamberlain of the principality of Salerno. Cioffus, the chamberlain, failed to appear after repeated summons, but at length he sent two deputies to act for him, and the hearing began. The abbot appealed the men of Ascoli of having deprived the monastery of certain lands which it held in virtue of a charter of Robert of Loritello granting a tenement at Bovino, which was confirmed by pope Calixtus and by king Roger. The

[1] *Cat. Bar.* p. 589, Arts. 702–5.

[2] Cf. *infra*, p. 369.

[3] Capit. Arch. Troia, Sack K n. 13 and Sack M n. 11. The mandate of William II. contained in the judgment is printed by Niese, *Urkunden*. Cf. Di Meo, x. ad an. 1184, n. 2, who gives a summary of this suit, although he calls the monastery *S. Michele de Troja*. The date of the document is given as 1184, nineteenth year of king William, Nov. Ind. ii. which is equivalent to 1183 in southern Apulia: it should be noted that the year of the reign is incorrect, as often happens.

men of Ascoli insisted on their side that the instruments produced by the abbot were not prejudicial to their claim, since the lands in dispute belonged not to the tenement of Bovino, but to the tenement of Ascoli: consequently, the count of Loritello could not give away what did not belong to him. Meanwhile, the rector of the monastery of Venosa had intervened saying that his monastery possessed the greater part of the lands in question, since the whole tenement of Ascoli was divided between the king and the monastery in equal parts. It appears then that the land in dispute was somewhere between Bovino and Ascoli, and the second of two perambulations of the boundaries ordered by the court revealed the fact that the tenement was situated near Ponte Albanito (on the Cervaro, due south of Foggia). We are now in a position to consider the administrative aspect of the case.

In a solemn court, at which many justiciars and barons were present we should expect to find the justiciar of the region to which the litigants and the disputed land belonged. Both parties, the monastery of S. Nicholas of Troia and the men of Ascoli, and the tenement they claimed somewhere between Bovino and Ascoli, all seem to have belonged to the constabulary of Guimund of Montilari in the Catalogue of the Barons. The question then arises, which group of justiciars mentioned in the judgment exercised jurisdiction in this region in 1183. The justiciars of the Terra di Bari may be dismissed at once, and there remain the justiciars of the Honour of Monte S. Angelo and the justiciar of Melfi and the Honour of Montescaglioso. The district of Troia, Bovino, and Ascoli certainly did not belong to Monte S. Angelo in the days of Roger II. and William I.; hence, unless the region was extended in the later days of William II., the justiciars of the Honour cannot have exercised jurisdiction over the abbot of S. Nicholas of Troia and the men of Ascoli. An extension of a definite region like the Honour is improbable, and we know its precise extent from the dowry of queen Joan as late as 1177, when it did not reach so far south as Bovino and Ascoli. The justiciars of Monte S. Angelo may therefore be dismissed,[1] and only Richard of Balbano is left with his double title of justiciar of the justiciarate of Melfi and the Honour of Montescaglioso. The significance of the second part of this description has been considered in treating of the principality of Taranto. There

[1] Benesmirus was already in office in 1175, in which year he is mentioned at Siponto (cf. *infra*, p. 364): the Guimund of Castelluzzo is not known from other sources.

remains then the justiciarate of Melfi, in virtue of which Richard might possibly have been entrusted with the affairs of Ascoli, Bovino, and Troia.[1] It has been seen that the constabulary of Guimund of Montilari probably extended to the southward of Melfi, and though Richard may in some sort be regarded as his successor, there was in all likelihood some rearrangement of judicial circuits in the later part of the reign of William II. It is not probable that the whole of Guimund's district was comprised in the justiciarate of Melfi, because this region, combined with the Honour of Montescaglioso, would have made an enormous district for one group of justiciars to administer. The most reasonable supposition is that some part of the constabulary of Guimund of Montilari was detached and joined to certain districts which had formerly been under Gilbert of Balbano, to form a new justiciarate. The sub-constabulary of Richard, son of Richard, comprising as it did the districts of Troia, Ascoli, Melfi, and Bovino, united with the fiefs of Richard of Balbano, would form a region which would be fitly described as the justiciarate of Melfi. The inclusion of lands which had been under Gilbert of Balbano and therefore in the principality of Salerno may in some sort account for the presence of the chamberlain of Salerno: otherwise the insistence on his intervention in regard to land at Bovino or Ascoli is impossible to understand, for this region assuredly did not belong to his predecessor Alfanus when the Catalogue was drawn up. This suit has been discussed at some length in the hope that the discovery of fresh documents will finally solve the question of the justiciarate of Melfi.

JUSTICIARS IN THE HONOUR OF MONTE S. ANGELO.

1141		Varano?	Henricus Olliae Dei Gratia Regalis Justitiarius	*Cal.* No. 11
1144	June	Siponto	Henricus de Ollia miles et dominus caprilis atque justificarius domini nostri magnifici regis	*Cal.* No. 15
1147	Mar. 30		Henricus de Olgia	*Cal.* No. 22
1148	Oct.	Dragonara	Enrico de ollia et ac boamundo bructone regiis Justiciariis	*Cal.* No. 27
1153	July	Vieste	Henrico de ollia et boamundo bretone regalibus justitiariis	*Cal.* No. 34
1156	Oct. 6	Precina	Comitis Goffridi alesine (without the title of justiciar although he probably held the office)	*Cal.* No. 44
1165	Jan. 20	Lesina	Goffridus Dei et Regis gratia Alisinae Comes et Regius Justitiarius	*Cal.* No. 61

[1] It should be noted that Richard heads the list of justiciars present at Barletta.

1173	March		Goffridus Alisinae Comes Regalisque Justitiarius	*Ibid.*
1175	May	Siponto	Benesmiro regio justitiario	St. Arch. Nap. Perg. Mon. Sopp. II. No. 175
1175	Oct.		Goffridus ollie divina providente clementia comes Alesine et regalis justitiarius	*Cal.* No. 61
Between 1159–1182			Goffridus Dei et regia gratia Comes Alesinae et Domini Regis Justitiarius	Chron. Casaur. col. 914
1180	April		Benesmirus de Siponto regius justiciarius	St. Arch. Nap. Perg. Mon. Sopp. vol. iii. Nos. 216–8
1183	Nov.		Bonismiro de Syponto et Guimundo de castelluzzo Honoris montis sancti Angeli Regiis Justitiariis (at the Master Justiciars' court at Barletta)	Capit. Arch. Troia Sacks K and M
1186	Dec.		Benesmiri de Siponto. Regii baroni	*Cod. Dipl. Bar.* I. No. 94

JUSTICIARS IN THE CENTRAL DUCHY.

1151	May	Curia monasterii S. Marie de Bolfannana	Guimundus montis ilari	*Cal.* No. 31
T. R. R.		Troia	[comes de civitate] qui cum justiciario Guimundo de monte ilari	*Cal.* No. 37
1159		Troia	Raone de Rocca Regio Justitiario	*Cal.* No. 51
1170	March	Troia	Lucas de Rocca Regius Justitiarius	*Cal.* No. 51, n. 3
1180			Gervasio de Mastrali Justitiario domini regis.	St. Arch. Nap. Perg. Mon. Sopp. vol. III. No. 226 (charter of Henry count of Civitate).
1183			Riccardo de balbano Justiciariatus melfie et honoris montis caveosi Regio Comestabili e Justiciario	Capit. Arch. Troia Sacks K and M.

The principality of Salerno.

The principality of Salerno is next dealt with in the Catalogue in a straightforward manner: it contained the principality proper with the duchy of Amalfi, and that part of the later Terra Beneventana that lies in the triangle formed by the rivers Ufita and Sabato.[1] The boundaries which are thus assigned to the principality show that it had changed little in extent since the beginning of the eleventh century.

[1] It is a curious fact that the Catalogue ascribes the demesne of count Philip of Balbano to the duchy: *Comes Philippus de Balbano dixit quod demanium suum, quod tenet in Ducatu videlicet de Sancto Angelo feudum IV. militum, de Calabretta feudum III. militum, de Capusele feudum II. militum de Viara feudum I. militis. Una demanium eius feudum X. militum et cum augmento obtulit milites XXIV. et servientes L. Cat. Bar.* p. 589, Art. 702. This seems entirely inexplicable.

The remainder of the Terra Beneventana in which the lands of the counts of Buonalbergo and Avellino were situated seems to have belonged to the duchy at the time the catalogue was compiled, and the question of the attribution of the triangle of land between the Calaggio and the Ofanto has already been discussed at length. Before leaving the question of the extent of the principality of Salerno it must be noted that Nocera which belonged to it in the Catalogue formed part of the principality of Capua when king Roger conquered the country.[1]

The principality of Salerno included two constabularies, that of Lampus of Fasanella with the sub-constabulary of Robert of Quaglietta[2] and that of Gilbert of Balbano.[3] The district attributed to Lampus included the principality proper and the duchy of Amalfi, while Gilbert was responsible for the part of the Terra Beneventana which belonged to the principality. The counties were three in number, Marsico, Conza, and Balbano; but the two latter seem to have been included in the constabulary of Gilbert. The old *Comitatus Principatus* appears to have been suppressed. Count William was in prison at Palermo together with Richard of Mandra in 1161 and the county was never revived. In the catalogue it is specially attributed to the constable Lampus of Fasanella.[4]

The records of justiciars in the principality are abundant especially for the reign of William II., and the justiciars themselves were persons of importance. The earliest notice belongs to the year 1143, when the justiciars were the archbishop of Salerno and Lampus of Fasanella.[5] In 1150, Lampus again and Florius of Camerota were present at a court held by king Roger at Salerno and the following year Lampus and Florius with a third justiciar Guaimar Sarracenus were again members of a court at Salerno held on this occasion by the judges of the city.[6] Lampus we have seen was constable of the principality in the Catalogue, but there are unfortunately no other notices of his judicial activity. Perhaps he did not live many years longer, since, although his official position is mentioned in the Catalogue, his fiefs are ascribed to another tenant, or else are in the hands of the *Curia*.[7] Indeed in

[1] A. T. lib. II. cap. xxix.

[2] *Cat. Bar.* pp. 583–9, Arts. 437–693.

[3] *Ibid.* pp. 589–590, Arts. 694–724.

[4] *Ibid.* p. 584, Art. 463, *De Comestabulia Robberti de Qualletta, que est de eadem Comestabulia Lampi de Fasanella de Comitatu Principatus.*

[5] *Cal.* No. 13.

[6] *Cal.* No. 32, cf. *App.* No. 9.

[7] *Cat. Bar.* p. 583, Art. 442; p. 585, Arts. 487, 489.

one case two tenants after Lampus are mentioned, but since it is the chamberlain Marius Russus who is ordered to make inquiries, this entry is probably one of the later corrections in the Catalogue. The history of Florius of Camerota, Lampus' colleague, extends till the middle of the reign of William II. We learn from a letter of pope Alexander III. to Louis VII. of France[1] that he was a nephew of the archbishop of Capua. The pope was writing in 1165 and mentioned that Florius was an exile and had gone to Jerusalem. In 1168, however, he had returned, for we find him in this year assisting at the trial of Richard of Mandra at Messina for treason.[2] By 1172 he was back again in the principality and heard a prolonged suit between the men of Corleto and their lords at Salerno, Laurino, and Eboli.[3] His colleague was now Luke Guarna; but the next notice we have does not concern judicial matters. Florius was employed instead on a diplomatic mission and was a member of the embassy sent to England in the spring of 1176 on behalf of William II., to ask the hand of the lady Joan in marriage.[4] The month of May 1177 saw him once more at home and together with Luke Guarna he pursued and punished the villagers of Fajano, who had attacked and killed the abbot of S. Benedict of Salerno.[5] This is the last notice of Florius and in 1178[6] William of San Severino was royal justiciar and constable, an office which he also held in 1184[7] 1186,[8] and 1187.[9] Luke Guarna, it has been said, first appeared as a justiciar in 1172, and he is mentioned, sometimes in a private and sometimes in an official capacity, in 1175,[10] 1177, 1178,[11] 1182,[12] 1184, and 1186 always in the

[1] Di Meo x. ad an. 1165, n. 1; cf. Migne, *Patrologia Latina*, Paris, cc. col. 332, No. cccliii.

[2] H. F. pp. 141, 142. At the end of a long list of counts present there follow the names of *Rogerius Tironensis magister comestabulus, Florius Camerotensis, iudex quoque Tarentinus et Abdenago Hannibalis filius, qui magistri erant iusticiarii.* It is not quite clear whether it is intended to join Florius' name with the last two as a master justiciar of the *magna curia*, but he cannot have held this office together with that of justiciar in the principality: probably he happened to be at Messina at the time.

[3] Del Giudice, *Cod. Dipl. Ang. App.* i. p. liii.

[4] R. S. p. 442; Benedictus Abbas (Rolls Series), p. 115. [5] R. S. p. 460.

[6] Guillaume, *Essai*, p. 132, 1178, Guillaume seigneur de San Severino, connétable, justicier royal et baron du Cilento.

[7] Di Meo x. ad an. 1184, n. 5, Arch. di Cava, *Guglielmo di S. Severino, Signor di San Severino, e Regio Comestabolo e Giustiziere.*

[8] *Ibid.* xi. ad an. 1186, n. 10. [9] *Ibid.* xi. ad an. 1187, n. 4.

[10] St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 172, *Luce qui dicitur Guarna Justiciario.*

[11] Ughelli-Coleti, *Italia Sacra*, vii. col. 404.

[12] K. A. Kehr, *Urkunden*, No. 26, p. 449.

principality proper and on the last two occasions with William of San Severino. In April 1187,[1] Malger of Polla was royal justiciar. It is remarkable that none of these justiciars ever bears a territorial title, but there can be no doubt that the principality formed their circuit and that it corresponded with the constabulary of Lampus of Fasanella. During the reign of William II. a separate justiciar was appointed for the duchy of Amalfi. The successive holders of the office are only mentioned in documents belonging to the duchy and in suits concerning it,[2] so that it must have formed an independent circuit. Justiciars for Amalfi are found till Frederick II. reorganised the judicial provinces, and the previous condition of affairs is shown in the title of the province under the emperor, principality and duchy of Amalfi.

The records of the constabulary of Gilbert of Balbano are by no means so abundant as those for the region ascribed to Lampus of Fasanella. The history of Gilbert himself, who seems to have been the first constable of the district, is, however, tolerably complete. He is first heard of in 1137, when he commanded the royal troops together with Robert de la Marra in the neighbourhood of Guardia Lombardi, precisely in the region over which he exercised the office of constable.[3] In 1152, as lord of Rocca (Rocchetta di Puglia) but without any official title, he made with his son Richard a grant to abbot Marinus of Cava for the monastery of Giuncarica, which was subject to Cava. This grant was given in the castle of Rocca and witnessed by the judge of Lacedonia.[4] In 1155 Gilbert was present at a suit heard at Bari, and on this occasion he bore the title of master constable. He was probably master constable of all Apulia and the first holder of the office.[5]

The only other known constable for the district attributed by the Catalogue to Gilbert, is Elias of Gesualdo, who in December 1186 is described as *providissimi regii comestabuli et justiciarii* in a grant made by William lord of Atripalda to the monastery of Monte Vergine, in the presence of the judge of Avellino.[6] One other justiciar, Guaimar Sarracenus,

[1] Di Meo, xi. ad an. 1187, n. 4, Arch. della Cava, Malgerio Signor della Polla, Regio Guistiziere.

[2] Cf. Table of the Justiciars for the duchy of Amalfi, *infra*.

[3] *Chron. Casin. Auct. Petro*, iv. 108, *M.G.H.SS.* vii. 820, cf. Chalandon, ii. 70.

[4] Di Meo, x. ad an. 1152, n. 9.

[5] See p. 285 ; Gilbert died 1156, cf. Haskins, p. 659, n. 221.

[6] St. Arch. Nap. Perg. di Monte Vergine, vol. 16, No. 4.

is known, who in all probability belonged to this region, for he was present together with the justiciars of the principality proper, Lampus and Florius, at a court held at Salerno in 1151, and his lands lay in the constabulary of Gilbert of Balbano.[1]

JUSTICIARS IN THE PRINCIPALITY OF SALERNO.

1143	. . . .	. . . . .	Guilielmus archiepiscopus (Salerni) et Lampus de Fasanella regie iusticie iustificatores	*Cal.* No. 13
1150		Salerno	Lampo et Florio Justiciariis	*Cal.* No. 32; *App.* No. 9
1151	Oct.	Salerno	Lampo domino de Fasanella et florio de Camarota Justiciariis	*Ibid.*
1172	May	Salerno	Nos Florius de Camera et Lucas Guernerius regii Iusticiarii [*sic*]	Del Giudice, *Cod. Dipl. Ang.* App. I. p. LIII.
,,	May?	Laurino	Florius	*Ibid.*
,,	May?	Eboli	Ego Florius Camerote dominus et domini Regis Iusticiarius, Ego Lucas Guernerius Regius Iusticiarius	*Ibid.*
1175	Feb.	Nocera	Luce qui dicitur Guarna Justiciarii	St. Arch. Nap. Perg. Mon. Sopp. vol. II. No. 172
1177	May		Lucae Guarnae et Florio de Cammarota Justitiariis	R. S. p. 460
1178	Oct. 3	Salerno	D. Lucas Guarna Regius Justitiarius filius q. Alferii qui similiter Guarna dictus est	Ughelli-Coleti, *Italia Sacra* VII. col. 404
1178			Guillaume seigneur de San Severino connétable, justicier royal et baron du Cilento	Guillaume, *Essai*, p. 132
1182	July	Salerno	Cum Luca Guarna regio iusticiario	K. A. Kehr, *Urkunden*, No. 26, p. 449
1184	Feb.	Salerno	Guglielmo di S. Severino, Signor di San Severino e Regio Comestabolo e Giustiziere . . . . presente Giustiziere Luca Guarna	Di Meo X. ad an. 1184, n. 5
1186	March		Guglielmo Signor di S. Severino Regio Giustiziere e Comestabolo, presente il Giustiziere Luca Guarna	*Ibid.* XI. ad an. 1186, n. 10
1187	March		Guglielmo Signor di San Severino, Regio Giustiziere e Comestabolo	*Ibid.* XI. ad an. 1187, n. 4
1187	April		Malgerio Signor della Polla, Regio Giustiziere	*Ibid.* ad an. 1187, n. 4

JUSTICIARS IN THE DUCHY OF AMALFI.

1171			Marino qui dicitur de domno Stefano prefati domini nostri Regis Iustitiario filius quondam Constantini qui fuit filius Aliberti Comitis[2]	Chartolarium Amalphitanum . . . . . cura Matthæi Camera, No. CLVIII. ff. 512, 513

[1] *Cat. Bar.* p. 590, Arts. 719, 724.

[2] This notice comes from a document of 1171, Ind. 4 which begins: Ante nos Guaferium, Romoaldum, Iohannem et Mattheum Iudices, Iohannes Sirrentinus qui dicitur de domna Miro. filius quondam Iohanni Sirrentini. conjunctus est cum Marino . . . . It is the second of a suit heard before the judges of Salerno in which the justiciar appeared as one of the litigants and not in

1174	Sept.		ebolus filius marini neapolitanus [*sic*] regii Justiciarii et comestabuli, qui fuit filius Constantini comitis	Camera, *Memorie* I. p. 365 (n. 2, of p. 364)
1174–6 ?	.		dominus leonardus venerabilis caputaquensis episcopus qui tunc supradscripti domini Regis Iusticiarius erat [1]	Camera, *Memorie* I. p. 365
1202 1208	Jan. 3 Dec. 11	Amalfi ,,	Nos Sergius Scrofa, reguis Iustitiarius ducatus Amalfie, et Sirrenti. et capitaneus galearum principatus a Policastro usque Gaietam, filius domini Pandulfi	*Ibid.* p. 382, n. 1

The march or county of Molise.

After completing the fiefs of Elias of Gesualdo (p. 590, art. 724) to the south-west of Benevento, the Catalogue passes immediately to Baranello in the principality of Capua, near the source of the Biferno, and proceeds to describe the country which was comprised in the march or county of Molise. Part of the district lay in the duchy of Apulia and part in the principality of Capua. This section of the Catalogue is unprovided with any heading or indication of the subject-matter, and there is evidently a considerable omission at this point. This is shown partly by the sudden transition from the country south of Benevento to Molise, and partly by the treatment given to the fiefs of count Hugh of Molise. In the middle of the section, the sum of the knight's fees *de servitio dicti Comitis in Principatu de propriis feudis* are given, but the figure exceeds the number

his official capacity, and it is contained in the record of another judgment drawn up at Salerno in 1176, eleventh year of King William August Ind. 9. Ante me Truppoaldum Iudicem venerunt Mattheus filius quond. Marini Neapolitani olim prefati domini nostri Regis Iustitiarij qui fuit filius Constantini. This judgment is further mentioned in the Repertorium omnium scripturarum Monasterii Monialium S. Laurentii de amalfia, in the Bibl. Brancac. Nap. IV. F. 4, f. 25. 158. Masteus [*sic*] filius quondam marinj Neapolitanj olim regis guilielmj Justitiarij Panthaleo Amalfitanus: transumptari fecerunt quoddam instrumentum sententie seu decisionis factum per Judices salernitanos de quibusdam bonis sitis Salernj a la Judeca: die et mense Augusti. Ind. 9ª 1176. Marinus had therefore died some time between September, 1174, when he is mentioned, and August, 1176.

[1] This notice of Leonard bishop of Capaccio and royal justiciar is found in a suit heard by Eugene magister Regie Dohane baronum et de Secretis in 1178 at Nocera, between the men of Amalfi and of Ravello, when the previous history of the litigation is narrated and the action of the bishop in the matter on a former occasion is mentioned. It is not possible to fix the precise date at which he was justiciar, but certain limits may be suggested. The judgment of 1178 tells us that he was in office under William II., and we know further that Marinus was justiciar from 1171–1174, consequently he must have been in office between 1166 and 1171, or between 1174 and 1178. The period may, however, be further limited from our knowledge of the bishops of Capaccio: Ughelli does not mention Leonard, and I have been unable to obtain a work by Volpi: Cronologia de' vescovi Pestani ora detti di Capaccio, Naples, 1752, but in the spring of 1176 Arnulf was bishop-elect of Capaccio (Ughelli-Coleti) and he may well have been the successor of Leonard. If this be the case, Leonard must have been justiciar sometime between September, 1174, and the spring of 1176.

of the fees actually inscribed in the Catalogue. Next follow the fiefs of the count's barons in the duchy and the sum of their knights is given correctly. Finally the addition is made of the knights *tam demanii quam servitii Ducatus, et principatus praedicti Comitis Hugonis . . . . de propriis feudis*, but this is the first mention in the Catalogue of the count's demesne. It follows then that besides some of his barons in the principality, the demesne of the count both in duchy and principality has been omitted. Other sources of information give Trivento, Isernia, and Venafro as the chief towns of the counts of Molise. The omitted fiefs of the mesne tenants would seem to lie on the western and southern borders of the county, for there is a small gap apparent on the map in these quarters between the recorded fiefs of the county and those of the Terra di Lavoro.

The following are the boundaries of the county of Molise as indicated by the Catalogue. Beginning near the mouth of the Trigno, the frontier follows that river to Trivento: there it bends north-west and touches the Sangro near S. Angelo. Thence the boundary ascends the river for some distance and then follows a sinuous course by way of S. Pietro di Avellana, Roccasicura, Rionero, and Montenero to the source of the Volturno. Owing to the omissions in the Catalogue it is impossible to give the frontier between the Terra di Lavoro and the county with any precision, but it seems to have taken a line somewhat to the west of the Volturno and parallel with it, extending south of Venafro, perhaps as far as Presenzano. Here it again turns north and passes to the east of Venafro, and thence to the south of Monte Miletto and Lago del Matese, to the neighbourhood of Sepino: thence it takes a north-easterly direction by way of Campodipietra, Campolieto, Casacalenda, and Guardialfieri to the Biferno, and crossing that river, it reaches the Trigno once more.

With the omitted fiefs of this part of the Catalogue, the title given to the district as a whole is lost too. It is probable that it was called county of Molise, since the term occurs as a geographical designation, at least as early as the reign of Roger II., being found in a grant made by the king to Monte Cassino of the convent of S. Eustace *de Arcu* near Pietrabbondante *in comitatu Molisii*.[1] This name is also used in regard to events in his reign by the chronicler of Ferraria;[2] Richard of S. Germano, however,

[1] Caspar, *Reg.* No. 79.

[2] *Chron. Ferrar.* p. 25, *Et rex cum exercitu suo intrans comitatum Molisii, obtinuit quasdam terras filiorum Borelli.*

applies the designation of *Marchia* to the county.[1] The region was chiefly occupied by the lands of count Hugh of Molise and his vassals, but there were also fiefs belonging to smaller tenants-in-chief, some of which are described in the Catalogue, but the sum of their knights is not set down, nor is it included in the count's total. It is remarkable that this total is made after the lesser tenants-in-chief have been registered, so that the count was apparently responsible for them as constable.

The counts of Molise would seem indeed to have been hereditary constables and justiciars of the whole region of the county of Molise. Count Hugh's military power was very great, since he had 486 knights and 605 serjeants behind him, and in these northern regions of the kingdom the mightiest counts were generally invested with the constable's office in the district. His military position was matched by his greatness in the sphere of justice, to judge from the record of a certain suit of 1144 touching his monastery, compiled by brother Macchabee, provost of S. Peter of Avellana.[2] The provost says that the matter was decided *coram comite et Justitiario Ug. de Molisio*, but the record is confused and it is hard to disentangle the stages of litigation. The provost claimed half of the church of S. Mark in Agnone, and it would seem that in the first instance he went with his friends to Trivento and sought redress of the count and justiciar Hugh of Molise and a number of barons. Next a complaint was lodged before the bishop-elect of Trivento and his canons, probably because it was the possession of a church that was in dispute, and the ecclesiastical court decided in accordance with the judgment of the royal court. This is the first mention of the royal court in so many words, but it is probable that the court of the count is intended. In the same way Hugh is not called a royal justiciar, but if the court he held was a royal one, he must have acted as a representative of the king. The sentence was carried out *ex precepto, et judicio regalis curie, et Comitis Ug.* Count Hugh would seem to be a justiciar on his own account with an exceptionally large grant of private jurisdiction, and it must be remembered that the counts in general, whether expressly called justiciars or no, acted in a double capacity both on their own behalf and on the behalf of the king. It may well be that count Hugh enjoyed full jurisdiction in regard to his own tenants, and at the same time acted for the king in regard to the lesser royal tenants-in-chief. The justiciar's office in the county of Molise was

[1] Ryccardus de S. Germano, *Annales M.G.H.SS.* xix. 329.

[2] *Cal.* No. 17.

inherent in the counts, for Richard of Mandra, Hugh's successor, held a court in 1170 at Isernia, together with the bishops of Bojano, Isernia, and Trivento, and his Justiciars and Barons.[1] Richard was numbered among the *familiares* of the *curia* and spent most of his time in attendance on the king, wherefore it would be most necessary that he should appoint justiciars to act in his absence. The only other lay tenant whose justiciars are mentioned was count Robert of Loritello, another very great subject of the king.

It should be mentioned that in the case brought before count Richard, as well as in the one decided by count Hugh, the assessor-barons were among the vassals of the county, as were the defendants in the suit. In the former case count Richard expressly mentions *Justiciariis et Baronibus nostris*, and from the information of the Catalogue it can be shown that the barons Julian of Castro Pignano, and probably Mayner of Palena who assisted count Hugh, were his tenants.

In conclusion then, it may be said that the counts of Molise had a very extended grant of private jurisdiction, and that in addition the office of royal justiciar in the district which took its name from their county was bound up with the dignity of count: they acted both on their own behalf and on the behalf of the king, since the king addressed mandates to them.

The principality of Capua or Terra di Lavoro.

After giving the sum of the fiefs of count Hugh of Molise, the compilers of the Catalogue proceed to describe the principality of Capua proper, or the Terra di Lavoro, as it was frequently called. There is no special heading or indication of the subject-matter of this section: it begins indeed with the fiefs of count Robert of Buonalbergo *quod tenet in principatu Capue*,[2] but references to the principality of Capua are also frequent in the sections of the Catalogue which deal with the county of Molise and the Abruzzi, since all the more northerly districts of the kingdom were attributed politically either to the duchy or to the principality. This distinction, however, does not seem to have had a counterpart in the divisions of the country for administrative purposes. Nevertheless,

[1] Arch. Monte Cass. caps. cii. fasc. ii. No. iii. *Nos Riccardus dei et regia gratia de molisio comes et domini Regis familiaris dum plenam curiam ysernie* [*ten*]*er*[*emus*]. . . . *Residentibus itaque nobiscum Domino Robberto episcopo Bojani et Domino Raynaldo episcopo ysernie et Domino Raone episcopo treventino et Justiciariis et Baronibus nostris ex decreto sanctissime Regie curie et probatione aperta per breve quod ostensum est in curia plena quod continebat et aperte dicebat.* . . . 1169, Feb. Ind. iii. fourth of king William = 1170.

[2] *Cat. Bar.* p. 594, Art. 806.

after making due allowance for the use of the term principality of Capua as indicating merely a political division, it must be recognised that the fiefs described in the section of the Catalogue[1] following the indication of the count of Buonalbergo's land in the principality, form a compact territory which corresponds very closely with the administrative division of the Terra di Lavoro. Its boundaries coincide nearly everywhere with those of the principality of Capua when it was conquered by Roger II. and the eastern border towards the duchy of Apulia, as it is given in the Catalogue, recalls the terms of the treaty of 1134 between king Roger and Rainulf of Alife.[2] The fiefs of the latter stretched along the frontier of the principality from Alife and Raviscanina to Avellino: they included all the places in the Valle Caudina[3] of which the chief were Arpaia and Montesarchio and the castles of Limatella,[4] Ponte,[5] Altacoda, Grutta, Summonte,[6] and Mercogliano.[7] The treaty provided that Rainulf should restore to his wife her dowry of the Valle Caudina, while king Roger was to keep the places he had taken by force. The result of this agreement was that the lands which formed the county of Avellino—Mercogliano, S. Angelo, Grutta, Summonte, and Avellino itself—were separated from the rest of the county of Alife and from the principality of Capua. Consequently they are expressly assigned to the duchy in the Catalogue,[8] while the Valle Caudina and Alife remain in the principality. Passing to the N.W. of Benevento, the boundary in the triangle formed by the Volturno and the Tamaro is somewhat complicated. The places in this region belonged, when the Catalogue was originally drawn up, to William of San Framondi and Thomas baron of Faicchio, but it appears that some of their fiefs passed at a later period into the hands of tenants of the count of Buonalbergo.[9] The fiefs which are described as actually belonging to William of San Framondi and to the barony of Faicchio, are all placed by the Catalogue in the principality, but those that have passed from their

[1] *Ibid.* p. 594, Art. 805—p. 600, Art. 1012.

[2] A. T. Lib. II. cap. lxii.

[3] *Ibid.* Lib. II. cap. xiv. *videlicet tota vallis Caudina cum ejus omnibus manentibus oppidis.*

[4] *Ibid.* Lib. II. cap. lxi.

[5] *Ibid.*

[6] *Ibid.* Lib. II. cap. liv.

[7] *Ibid.* Lib. II. cap. xiii. xv. and other passages.

[8] *Cat. Bar.* p. 582, Arts. 392–395.

[9] *Cat. Bar.* p. 580, Arts. 345–349, and p. 581, Arts. 355, 381, 382. It should be noted that these two last articles are misplaced in the Catalogue; they ought to follow Art. 355 immediately, since they continue the list of the tenants of the count of Buonalbergo and contain the sum of the fiefs of the county.

possession belong to the part of the county of Buonalbergo which was situated in the duchy and not to the part in the principality. Thus among the fiefs of the principality of Capua we find Limatella, Guardia, and Cerreto, which are attributed to William of San Framondi,[1] and Torrecusa, Castelpoto, Lapellosa, Ponte, and Casalatore attributed to the barony of Faicchio.[2] Turning, however, to the county of Buonalbergo in the duchy we notice Pontelandolfo and Fragneto, which formerly belonged to the San Framondi fiefs, and Gioia, Palata, Tamaro, Terra Rossa, Pietrapulcina, and Fragneto, which had formed part of the barony. It may be noted in passing that Limatella, Ponte, and Fragneto had been castles of Rainulf of Alife. The frontier of the principality towards the county of Molise has already been discussed in considering that region: from Venafro, the boundary passed to the north of Atina, and thence the frontier towards the Papal State followed the course of the R. Liri to Ceprano. From this town it passed by Pastena and Vallecorsa to the neighbourhood of Terracina. Before leaving the geography of the Terra di Lavoro it must be noticed once again, that Nocera as well as Sarno passed at some period after the conquest by king Roger to Salerno.

Turning to the subdivisions of the principality of Capua, it contained according to the Catalogue part of the counties of Buonalbergo[3] and Avellino[4] and the counties of Caleno, Alife, Caserta, and Fondi, but no constabulary is mentioned at all. The name of Peter Cacapice the constable of Naples, is found, but he was constable of the city and not of the Terra di Lavoro. Contemporary documents yield very little information and only one constable is known throughout the Norman period. The notice is found in a judgment issued in 1171 by Robert of Caserta as master justiciar and master constable, in which Richard de Citro royal constable appears among the witnesses.[5]

In regard to the justiciars, likewise, the information at our disposal is not abundant. We have, it is true, an account of the institution of

[1] *Cat. Bar.* p. 599, Art. 978, *Guillelmus de Sancto Fraymundo, sicut dixit tenet in demanio Limatam, que est feudum II. militum, et de Guardia feudum I. militis, et de Cerreto feudum III. militum, et de Finicella feudum II. militum.*

[2] *Ibid.* Arts. 982–984, *Baronia Feniculi.*

[3] This has been identified by Capasso with the county of Acerra.

[4] Cf. *Cat. Bar.* p. 582, Art. 392, and p. 594, Art. 808. Part of the county of Avellino consisting of the fiefs of Calvi and Riardo belonged to the principality: they were situated a long way from the fiefs in the duchy.

[5] Muratori, *R.I.SS.* ii. pars i. p. 317.

justiciars for the first time in the principality, when Hamo of Arienzo[1] and the archbishop-elect of Capua were ordered to maintain justice, but this promising beginning is not followed up, so that it is not possible to make anything like a complete list of justiciars for the Norman period. This is the more remarkable in a region so rich in records as the Terra di Lavoro. In 1148 Hector of Atina and Atenulf of Caserta decided a case in favour of Monte Cassino at Aquino, and in 1155 the abbey brought a suit before king William against Hervey of Bolita a royal justiciar who was accused of various acts of violence committed against the lands, villeins, and churches of Pontecorvo. It is perhaps worth noting that Hervey perpetrated these acts of violence not in his official capacity, but as lord of Roccaguglielma, and he claimed that the lands, villeins, and churches in question were dependent on his lordship. The name of one more justiciar has survived, Andrew of Rocca Romana, who was present at a court held in 1167 by the master chamberlain John, at Sessa.

None of these justiciars bears a territorial title, but there seems to be no doubt that they had the Terra di Lavoro as their sphere.

JUSTICIARS IN THE TERRA DI LAVORO.

1135	Oct.	Capua	praefato electo simulque Magnati cuidam, qui vocabatur Haymon de Argentia	*Cal.* No. 1
1148	Nov.	Aquino	Atenulfus casertanus et Hector atini regales justiciarii	*Cal.* No. 28
1155	March		Herbiam de Bolita . . . domini nostri regis justitiarium	*Cal.* No. 40
1167		Sessa	Andrea de Rocca Romana Regio Justitiario	Gattola, *Access.* I. 262–263

'The Abruzzi.'

The remaining districts described in the Catalogue formed the most northerly portion of the kingdom : they were known at a later period by the collective name of the Abruzzi, but this designation was not in use during the Norman period. The expression *Aprutium* referred only to

[1] Hamo's tenure of office does not seem to have been a long one. In 1143 he was present at a great court held by Roger II. at Salerno, but without the title of justiciar. Caspar, *Reg.* No. 159. In 1143 likewise he issued a charter, again without the title : *Ego Aymon dei gratia dominus castri cikale filius quondam raynonis de argencia.* Arch. di Cava, Armario G. 40. Cf. Haskins, ii. p. 643, who gives two further notices, one of 1136 and another of 1145. Cf. *supra*, p. 307.

a small part of the region to which the name of Abruzzi was afterwards applied.

The whole region was bounded on the east by the Adriatic from the Tronto to the mouth of the Trigno; on the south, the Trigno formed the frontier against the county of Molise as far as Trivento; thence the boundary passed in a northerly direction to the Sangro, which it touched somewhat to the south of Quadri. From Quadri it took a south-westerly direction to Castellone on the Volturno and thence bending to the north of Sora, it followed the line of the hills to Carsoli. From this point the valley of Cicolano formed the boundary as far as Rieti and from Rieti it touched the head-waters of the Tronto, which constituted the northern boundary of the kingdom, except that a few places on the farther bank owned the sway of the Norman kings. Thus from Sora to Rieti, the *regnum* marched with the State of the Church, while on the north it came in contact with fiefs of the Empire.

At the time that the Catalogue of the Barons was compiled the nomenclature of this northern region was passing through a phase of transition[1]: in the Lombard period the country had been divided into seven counties, Valva, Marsi, Amiterno, Forcone, Penne, Chieti, and Aprutium. These lasted into the Norman period and beyond it, to designate the various regions of the province: some of them, such as Valva and Marsi, have remained till the present day to indicate the dioceses, while others like Amiterno and Forcone disappeared. When the Catalogue was drawn up Aprutium alone of the Lombard counties gave its name to an existing county, and gradually the name Aprutium was extended over the whole territory of the seven counties and the province became known as the Abruzzi.[2]

Politically, it was attributed from the time of king Roger, partly to the duchy of Apulia and partly to the principality of Capua. This was due to the early history of its conquest by the Normans: the duchy advanced along the Adriatic coast, the principality by way of Marsi and Valva. In 1061 Geoffrey of Hauteville, count of Capitanata, occupied some of the lands of the Chietine march and in 1064 Robert of Loritello continued the conquest with much vigour, and forced the monks of

[1] For the historical geography of this region cf. N. F. Faraglia, *I miei Studii Storici delle cose Abruzzesi*, Lanciano, 1893, to which I am greatly indebted throughout this section

[2] Faraglia, p. 220.

S. Clement of Casauria to become his vassels. Hugh Malmezzetto completed the conquest of the region of Penne and perhaps of Aprutium. Richard of Capua from the other side advanced to the borders of Rieti. When the sons of king Roger, Roger of Apulia and Anfusus of Capua, carried out the conquest of the whole district for the monarchy, they insisted that they were only winning back the lands formerly belonging to their respective governments, hence we find the distinction maintained in the Catalogue between the duchy and the principality. Chieti, Penne, and Aprutium belonged to the duchy, Valva, Marsi, Amiterno, and Forcone to the principality, the boundary being formed by the great natural barrier of the Gran Sasso and Monte Majella.

The political division into duchy and principality seems, however, to have been ignored both in the feudal and administrative divisions of the district, for the county of Sangro and the constabulary of Boamund transgressed the boundary.

The Catalogue divides the fiefs of this northern region among six counties—Manopello, Aprutium, Sangro, Loreto, Celano, and Albe—and one constabulary, attributed to count Boamund of Manopello: it should, however, be noted that Loreto and Celano, unlike the majority of counties in the Catalogue, seem to be included in the constabulary. This section of the Catalogue differs from the rest of the document, since the sphere of a justiciar is indicated. The portion dealing with the Abruzzi begins *De justitia Comitis Boamundi. De Ducatu.*,[1] and there follows immediately the description of the fiefs of count Boamund and his vassals. The lands attributed to the justiciarate are soon interrupted by the fiefs of the county of Aprutium and a few lesser tenants-in-chief in that district, and the county of Sangro. After the sum of Simon of Sangro's knights has been given, there comes the head-line: *De eadem Comestabulia Comitis Boamundi.*[2] The constabulary of count Boamund, however, has not been mentioned before, as the use of the word *eadem* would lead us to suppose. Consequently it has been thought that *justitia* and *comestabulia* are here used as synonymous terms. As a general rule throughout the Catalogue, the expression *de eadem comestabulia* occurs when the insertion of the fiefs of a county has made a break in the description of a constabulary, for the constabularies rarely included the counties. In the region under consideration *de eadem comestabulia Comitis Boamundi* occurs five times in

[1] *Cat. Bar.* p. 600, Art. 1013.

[2] *Cat. Bar.* p. 604, Art. 1095.

succession with the addition sometimes of *de principatu* and sometimes of *de ducatu*. Nearly at the end of the section, however, we find *De iustitia Comitis Boamundi. De Ducatu.*[1] These expressions have generally been regarded as proving that Boamund's sphere as justiciar and as constable were co-extensive. A recent suggestion has, however, been made that while the *justitia Comitis Boamundi* was a term applied only to the region of Chieti, the *comestabulia* of the same count was of much wider extent.[2] In calling attention to this distinction, Faraglia has made an important contribution towards understanding the judicial divisions of the Abruzzi. His opinion that it was Chieti that formed the justiciarate of Boamund is supported by the Catalogue, for all the places mentioned under the heading *de justitia*, whether they belonged to Boamund and his vassals or to lesser tenants-in-chief of the king, are situated in Chieti. In his attempt to define the wider district of the constabulary, Faraglia himself confesses that he is less successful. He suggests that Valva, Marsi, and Amiterno formed the constabulary; but a difficulty is caused by finding that a few places in the districts of Penne and Aprutium[3] were also attributed to it. The difficulty is, however, removed by regarding all fiefs within the district of the Abruzzi which did not form part of the counties of Aprutium, Sangro, and Albe as belonging to the constabulary of count Boamund.

A useful commentary on the theory that Chieti was the judicial circuit of Boamund of Manopello is afforded by the record of a court held at Pescara in 1148 to try a case between the bishop of Aprutium and Monte Cassino concerning their possessory and proprietary right to the monastery of S. Nicholas of Trontino.[4] The court was a very solemn assembly, for there were present four royal justiciars, count Boamund of Manopello, count Robert of Aprutium, Oderisius of Pagliara, and Richard of Turgisio, and the bishops of Valva, Marsi, Chieti, and Alife as well as the counts of Penne and Chieti. It is worthy of note that only two of the justiciars, count Robert and Oderisius, sign the document which embodied the sentence of the justiciars, and this fact may be some guide towards defining

[1] *Ibid.* p. 610, Art. 1223. [2] Faraglia, *op. cit.*

[3] *Cat. Bar.* p. 604, Art. 1095. Under the heading *de eadem comestabulia Comitis Boamundi*, the list of the fiefs of count Jocelin of Loreto begin with those he held in Penne. So too *ibid.* p. 609, Art. 1204. Under a similar heading are fiefs belonging to the abbot of S. John in Venere in Aprutium and Penne.

[4] *Cal.* No. 26, *App.* No. 5.

the sphere of activity assigned to the different justiciars. S. Nicholas of Trontino is in the extreme north of the kingdom not far from Teramo and it is besides in the neighbourhood of the fiefs both of count Robert and Oderisius. On the principle that justiciars always held land in the region in which they administered justice, it may perhaps be assumed that Aprutium was the district assigned to these two justiciars. If this be so, it was a joint court of the justiciars of Chieti and Aprutium that sat to try the case of S. Nicholas. In this way the regions of the Abruzzi in the duchy are accounted for, but nothing seems to be known of the justiciars in Marsi and Valva. Records of justiciars in this northern part of the kingdom are few and scattered, although the chronicles of Casauria and Carpineto are filled with accounts of interminable lawsuits. The abbots generally had recourse to the counts of Manopello and Aprutium, but they are never given the title of royal justiciar. Since the accused were generally tenants of the counts, they were no doubt tried in the court of their lord. The judicial action of the count of Loritello is noticed from time to time: it always appears as a disturbing influence, coming in conflict with the judicial claims of the other counts; but the question has been discussed in dealing with the counts. The names of such royal justiciars as have survived must be noticed before leaving the whole question of judicial circuits. In 1172 a mandate was addressed by king William to count Jocelin of Loreto and Odo of Celano royal justiciars to inform them that the abbot of Casauria had obtained leave to withdraw his men from Castello Ripa and take them to his land.[1] These were perhaps justiciars in Chieti, successors of Boamund and Richard of Turgisio, since most of the lands of Casauria were situated in Chieti. Another justiciar for the same district in 1191 was a count Serlone or Serbone, who was present at an agreement drawn up between the men of Lanciano and the Jews, in that city.[2]

[1] *Chron. Casaur.* col. 912.

[2] Bibl. Naz. Nap. xv. D. 33, Aggiunte alle Memorie Ragionate di Monsignore Antinori, f. 11 *recto* Memorie per lo Giustizierato di Abruzzo Residente in Lanciano. The whole matter is very much confused, but there is some useful information including the notice of the justiciar in 1191. f. 12 *verso*, 'Nel 1191 Leggonsi negli antichi Monumenti le prime notizie del Giustizierato residente in Lanciano mentre in dº. anno si fece la cautela dei patti, e convenzioni fra i Lancianesi e gli Ebrei, i furono giurati questi patti in Lanzano nel Tocco del Consiglio dell' Università alla presenza di Serlone o Serbone Conte Giustiziere del Re, di Marco e di Andrea Giudici e di altri molti.' A marginal note in another hand adds the information 'Nel 1200 il Conte di Chieti non era Giustiziere di Abruzzo, giacchè questo fu stabilito da Gualtieri di Paleara a Iud. Contract. Antiq. Tom 8. pag. 88 Muratori.' Another marginal note on f. 12 *recto*, in the same hand as the

The number of justiciars.

It would appear that there were normally two justiciars in each circuit: this was certainly the case in the Terra di Bari, Terra di Otranto, Honour of Monte S. Angelo, principality of Salerno, and principality of Capua. It is not possible to speak with equal precision of the central region of the duchy and of the Abruzzi, owing to the absence of sufficient evidence. The mere fact of a single justiciar holding a court is not sufficient ground for the assumption that he was without a colleague, because in several cases in those regions which are known to have had two co-ordinate justiciars, one of them is frequently found exercising his office alone. Hence it is by no means certain that Guimund of Montilari, who acted alone in 1151, was the sole justiciar of his circuit: indeed it is at least probable from the two other documents in which his name is found, that the count of Civitate was associated with him. So too in the later Terra Beneventana the appearance of a single justiciar may be accounted for by the absence of judicial records.

Four justiciars were present at the great suit heard at Pescara in 1148; but it may be inferred from the presence of magnates from the whole vast region of the Abruzzi, that two groups of justiciars were intended. The three justiciars at Taranto in 1136 may also be regarded as representing different provinces, unless indeed the fact that these officers belonged to the period of the first tentative experiments in re-organising the judicial system, before a definite number was determined, obviates the necessity of accounting for this exception to the rule. The existence of great courts at which the justiciars from several provinces were assembled is by no means hypothetical, for many instances are known in the reign of William II.

The justiciars' court.

The justiciars travelled throughout the district committed to them and held courts in various places within it, but it does not appear certainly how far their visits were made in a regular order followed year after year. In a great many instances suits were decided in important royal towns, such as Salerno, Bari, Barletta, and Troia, but the justiciars sat to do justice in less important places in a district, as for instance at Bitonto and Aquino. In 1144 the justiciars of the Val di Sinni travelled quickly

previous one, says: '1159 Morto il Giustiere e Conte di Manopello Boemondo di Frisia, il Re Guglielmo mandò per Conte e per Giustiere nel Contado Teatino un altro Boamondo.'

It may be added that the document of 1191 appears to be taken from Pollidori; De Antiquitate Frentanorum.

from Senise to Chiaromonte, and a suit begun at the former place was concluded at the latter, because the court had granted a delay in favour of the defendant, and when the case was resumed, the justiciars had reached Chiaromonte. So too in the reign of William II. in a suit begun at Tursi, the final judgment was given at Craco.[1] In the same reign too the important case between the men of Corleto and their lords was heard by the justiciars at Salerno, Laurino, and Eboli, as they travelled on royal business. Perhaps what happened was that the justiciars visited in regular order the most important places and made them centres at which to receive suits from the surrounding country,[2] and only in cases of exceptional moment and on receipt of a royal mandate visited small and outlying places. We know that it was a serious grievance to be obliged to follow the justices on their travels from place to place, and one of the reasons for desiring a grant of private jurisdiction was to avoid this journeying.

The justiciars had no court-room of their own, but they sat with the local judges in their accustomed place of meeting. In a royal town this is generally described as the *regalis curia*, and at Salerno we know that the place of session was the royal palace of Terracina. A church or chapel seems often to have been used for judicial business. Thus in 1158 the church of the Hospitallers at Barletta was the scene of a court held by a master chamberlain and royal barons, and in 1182 the strategotal court of Salerno was held in the church of S. Peter, which served as the chapel of the royal palace.

Not only did the justiciars use the court-rooms of the royal judges in a demesne town, but they sat in the courts of ecclesiastical lords when royal business brought them there: thus in 1148 Hector of Atina and Atenulf of Caserta sat to do justice *in palacio aquinensis episcopi*, and in 1151 Guimund of Montilari is found *in curia monasterii sancte marie de bolfannana cum baronibus et militibus et aliis probis hominibus pro justitia*

[1] St. Arch. Nap. Perg. di Matera, No. 16, *Nos fulco miglionici et Robertus petreperciate regii justiciarii manifestamus quia in craco pro regiis serviciis et altercationibus justicie pertinentibus nobis presentatis curiam regiam tenuimus* . . . hear a complaint brought by the prior of S. Michael of Montescaglioso, who mentions a court held by the justiciars *in mense augusti none indictionis in tursia*: at this court the prior displayed *regium sacrum preceptum in tursitata curia justiciam habere precepturum.*

[2] The theory that the justiciars followed a regular itinerary receives confirmation from a Sicilian document, which states the termination of a boundary *in feram ubi Justitiarii solebant figere tentoria.* Garufi, *Documenti*, No. LI. 1170, p. 119.

tenenda. The same course would no doubt be followed in the court of a lay tenant, but of this no record has survived.

The *personnel* of the justiciars' court varied with the place of session, for they were not accompanied by a permanent judicial staff. Their court almost always included the local judges and notables, and often the royal catepan, or strategos, was present, but the share taken by the justiciars and the judges respectively in determining a suit varied a good deal. The courts in regard to this division of labour fall into three broad types.

Sometimes it happens that the justiciars hold a court in the presence of the judges and other worthies, but they merely preside and direct the judges, who under their orders hear the evidence, pronounce the sentence, and have the record of the judgment drawn up. Thus in 1148 the judges of Dragonara and Fiorentino describe how in their presence and in that of other competent men at Dragonara a complaint was preferred *coram domino enrico de ollia et ac boamundo bructone regiis justiciariis ibidem curiam regentibus*, and how *ex mandato justiciariorum* they brought the matter to a final settlement. On the other hand, in a large number of cases the presence of the judges is barely mentioned, and the justiciars not only preside over the court, but they examine the witnesses and other evidence themselves, and order the judgment to be committed to writing. Examples of this type of procedure are found in 1136 at Taranto, where the justiciars *precepto Domini nostri magnifici Sicilie et Italie regis ad judicandum . . . sederemus*, in 1144 at Senise and Chiaromonte, in 1148 at Pescara and at Aquino, and in 1155 at Bari. In the third type of court the judges of important towns not only take an active part in the conduct of the case, but they are expressly associated with the justiciars and preside jointly over the court. Thus in 1151 Guimund of Montilari, the royal justiciar and Roger, the royal judge of Troia, narrate a concord which was concluded *dum in curia monasterii sancte marie de bolfannana cum baronibus et militibus et aliis probis hominibus pro justitia tenenda resideremus.* In 1154 too the same method of procedure seems to be indicated when Petracca, judge of Barletta, was sitting *in regali curia eiusdem civitatis Robberto senescalco regis iustitiario et Leone regio catapano eiusdem civitatis mecum considentibus.* In Salerno the part played by the local judges is equally important, and in 1151 they record *quod cum a lampo domino de fasanella et florio de camarota Justiciariis et ab alfano camerario invictissimi suprascripti domini nostri Regis curia sollemniter*

celebraretur, ante nostram et aliorum presenciam dominus Guilielmus venerabilis noster archiepiscopus . . . recitavit quoddam placitum . . . and later on they state that the judgment was made *consilio habito ab universa curia.*

Besides the local judges and the *boni homines*, or notables, the royal barons and knights are often present, and sometimes the royal constable and the castellan are specially mentioned. Once, at Salerno in 1151, the chamberlain is associated with the justiciars as president of the court.

Just as the court of the justiciars is composed of local barons and judges, so the records of their judgments are for the most part committed to writing by the local notary. Once only, in 1144, do the justiciars mention their own notary; more often a royal notary is employed. For example Guido drew up the record of the sentence given at Taranto in 1136, and in 1148 Pandulf, a notary of the chancellor, is ordered to write the judgment. Nevertheless, these cases are few in comparison with the number of occasions on which use was made of the services of the notary of the town in which the court was held.

In short everything goes to emphasise the importance of the personal action of the justices and to show how little importance was attached to detailed organisation of their court: the most constant feature is the presence of the royal barons and the local judges.

(2) *The Chamberlains.*

Origin.

The institution of chamberlains took place, it has been seen, under the same conditions and at the same time as that of the first justiciars.[1] In 1135 Jocelin was made superintendent of the royal demesne in the Terra di Lavoro, and Peter the Deacon gives him the definite title of *Capuani principatus Camerario.*[2] In the following year a chamberlain appeared at Taranto, who combined the office with that of justiciar, for his signature runs *Ego Rogerius de Bisiniano Camerarius magnifici regis justitiarius.*[3] During the overthrow of the royal power at the hands of the emperor Lothar, chamberlains as well as justiciars disappeared, but from 1140 onwards, with the final re-establishment of the Norman monarchy, they are found in continuous activity. The origin of the chamberlain's office in the provinces of the mainland may with all probability be traced,

[1] Cf. *supra*, p. 307. [2] *Cal.* Nos. 3, 4. [3] *Cal.* No. 6.

behind the events of 1135, to the administration of the principality of Capua under the independent princes. A chamberlain, by name Odoaldus, is found in numerous documents of the princes Jordan II. and Robert II., between 1120 and 1132,[1] and he seems to have occupied an important position at the Capuan court. After the conquest of Roger II. the principality did not lose its identity: it was regarded as a separate unit, but the effect of the loss of independence was to transform the central administration, so far as it was retained, into a provincial administration. Certain departments of government, the treasury for example, would naturally disappear, but the supervision of the demesne would be as necessary after the change as before, and it may fairly be assumed that Jocelin continued to a great extent the functions of Odoaldus. Indeed it is more than probable that Jocelin himself had been employed by the Capuan court under the old system, for in 1129 the name of a certain Cansolinus follows that of Odoaldus among the *fideles* of the prince, and this is the form of Jocelin's name that is used by Peter the Deacon, while Alexander of Telese has Gaucellinus. Traces of his official activity, beyond what is known from these chroniclers, may perhaps be found in the Catalogue of the Barons, for Ganzolinus makes the return of the fief of Robert de Principatu at Aversa,[2] and Joczolinus makes the return of Strangolagalli which was held by the wife of Philip of Capua.[3]

Title.

With the exception of Jocelin, who was described by abbot Alexander as *vice-dominus*[4] or *procurator*,[5] the chamberlains invariably bore the title *camerarius*: their position as royal officers is marked by the addition of the words *regalis*, *regius*, or *domini regis*.

The class from which they were drawn.

As a rule the chamberlains were of less exalted rank than the justiciars: they did not necessarily belong to the districts which they administered, and consequently did not in all cases exert so considerable a degree of local influence. They were essentially royal servants and dependent to a great extent on the king who appointed them. Some of the chamberlains were numbered among the lesser military tenants, as we learn from the occasional mention of their fiefs in the Catalogue of the Barons—such were Ebulus of Magliano[6] and Leo of Foggia.[7]

[1] 1120, Gattola, *Access.* i. p. 236; 1123, *ibid.* p. 236; 1125, *ibid.* p. 240; 1128, *ibid.* p. 248; 1129, *ibid.* p. 244; 1132, *ibid.* p. 245.

[2] *Cat. Bar.* p. 598, Art. 963. [3] *Ibid.* p. 599, Art. 981.

[4] *Cal.* No. 2. [5] *Cal.* No. 1. [6] *Cat. Bar.* Art 456; cf. Art. 578.

[7] *Ibid.* Art. 343; *ibid.* Art. 401.

Others definitely belonged to the knightly order, for Benesmirus of Siponto invariably described himself as *miles ac regius camerarius*.[1] Some chamberlains were members of the official families who formed the nobility of the great cities, and when they administered the district to which they belonged they exercised considerable influence. Such for instance were the chamberlains of the principality of Salerno, descendants of those families of Lombard counts who appeared so frequently in the documents of Salerno and Cava in the eleventh and early twelfth centuries. They intermarried with the lesser nobility of the surrounding country and were connected with families which supplied the king with officials or provided the cathedral of Salerno with clergy, from the archbishop downwards.

Tenure.

The chamberlains like the justiciars held office for considerable periods of time. The length of tenure was specially remarkable under Roger II. and during the early years of William I. Thus Ebulus of Magliano was chamberlain in the Terra di Lavoro from 1140 till 1158 at least: Alfanus held office in the principality of Salerno from 1151 to 1158 and possibly longer. Instances no doubt might be multiplied were there a sufficient number of notices of individual chamberiains. In the reign of William II. they succeeded one another at shorter intervals and were sometimes transferred from one district to another.

Method of appointment, payment, and control of the chamberlains.

The early chamberlains were, no doubt, directly appointed by the king, and were in constant personal contact with him. This direct action on the part of Roger II. is plain enough in the appointment of Jocelin, and it appears again in the orders which he received to put the abbot of Telese in possession of the mountain claimed by that convent. Two occasions on which the king supervised his chamberlains in person have been reported. The first of these occurred just after the conquest of Atina in 1140,[2] when king Roger assembled the *universitas* of the city, clergy, knights and other men, in order to confirm all good customs and abolish the bad, and there and then commanded Ebulus of Magliano, the royal chamberlain, to hold an inquest as to the royal rights and the boundaries of the city. On the second occasion, king Roger again directed the same chamberlain.[3] This time, as he was standing at the window of the palace of Sessa, Ebulus being present, he granted permission to the citizens to divert a certain water-course for the use of their city and ordered the chamberlain to

[1] *Cal.* No. 23. [2] *Cal.* No. 9. [3] *Ibid.* No. 35.

assign it to them formally. Such personal intervention naturally became of less and less frequent occurrence, and by the time of William II. there can be little doubt that the chamberlains were appointed by the *curia*, and received orders from it.

Already in the reign of William I. the system of administration was rapidly becoming more complicated, and with the creation of fresh officials both in the central and provincial departments of government, the chamberlains found themselves under the orders of a good many different authorities. Until his fall in 1160 the great admiral Maio fulfilled the functions of the chief minister of the crown and issued commands to lower officials, not only in the king's name but also in his own. No actual example of his directions to the chamberlains is extant, but on more than one occasion he sent mandates to the justiciars. In the reign of William II. the place of chief minister was occupied by a board of three *familiares*, and mandates issued by them to the chamberlains are in existence.[1] Under William I. and the regency of queen Margaret both the master captains and the master chamberlains issued orders to the chamberlains of the mainland, and even dealt over their heads, on occasion, with the bailiffs in their districts. Early in the reign of William II., however, the master chamberlains disappeared, and their work of controlling the financial officers was apparently taken over by the masters of the duana, the heads of the central bureau of finance.[2] An assize of William II. was specially directed to meet the new circumstances by ordering the justiciars, chamberlains, castellans, and bailiffs to render all due assistance to this latest authority set over them.[3] Even the ordinary justiciars exercised some control over the chamberlains, for appeals from these officials were to be taken before the justiciars.

In regard to the method by which the chamberlains were paid for their services, it is probable that under king Roger they received a fixed salary: this opinion is based on the analogy of the direct payment of the strategos of Messina in this reign. In the late Norman period chamberlains and strategoi alike received their office *in credentiam* or *in extalium*. The evidence for this system, so far as the chamberlains are concerned, is drawn from a constitution of Frederick II., regulating their payment and

[1] Haskins, p. 444 (1), quoting St. Arch. Nap. Perg. Mon. Sopp. iii. 253.

[2] Cf. *supra*, p. 299. The master justiciars and constables also continued to direct the chamberlains. Cf. Haskins, p. 445 (3).

[3] *Const.* Lib. I. Tit. xxxvii. et lxi. (40), p. 37.

appointment, which implies tacitly that a similar system had been in use under William II.[1]

The region administered by a chamberlain was called a *bajulatio* and towards the end of the reign of William II. a *camerariatus*.[2] In considering the number and position of such regions, the evidence of the Catalogue of the barons is of first-rate importance, because it shows to a great extent the fiscal divisions of the country. The names of the chamberlains who were charged with collecting information about the value of the different fiefs are often recorded, and in one case definite mention is made *de baiulatione Alfani Camerarii*.[3] The information attributed to individual chamberlains nearly always refers to one particular section of the country, so that in many cases it is easy to reconstruct their districts. While the assignment of definite territorial districts to the chamberlains is generally admitted for the later period, it has been denied that this was the fact in the early days of the office.[4] This position cannot be accepted in face of the results obtained by a careful examination of contemporary evidence. It may be conceded that, except in the case of Jocelin, the chamberlains did not bear a territorial title before 1164, when such a designation is used,[5] but the frequent documents of the period show that throughout Roger's reign the same chamberlain was to be found year after year in the same district,[6] thus tacitly proving that definite spheres were from the first assigned to the financial officers in the provinces. Moreover, the instance quoted above of the bailiwick of Alfanus goes to strengthen specifically the case for the early division of the country among the chamberlains, for we know that Alfanus was chamberlain in the principality of Salerno from 1151 to 1158. His

Districts administered by the chamberlains.

[1] *Const.* Lib. I. Tit. lxv. (41), p. 37; Tit. lx. (45), p. 40; Tit. lxii. (46), p. 41; *Novae Const.* § ix. *Super scholis ratiocinii*, iii. p. 219; cf. Winkelmann, *Acta imperii inedita*, i. 671, where the purchase of the *camerariatus* or *bajulationes* under William II. is mentioned.

[2] Minieri Riccio, *Saggio di Cod. Dipl.* Suppl. Parte I. p. 21; Capit. Arch. Troia, Sack K no. 13 and Sack M. no. 11; Haskins, p. 445 (4), p. 646, n. 136.

[3] *Cat. Bar.* p. 587. [4] Chalandon, ii. 684. [5] *Cal.* No. 59.

[6] Thus Ebulus of Magliano is found in October 1140 at Atina, in May 1149 at Capua, in December 1149 at Pontecorvo, and during the reign of king Roger, date not specified, at Sessa, Rocca, and Pontecorvo. All these places are situated in the Terra di Lavoro. *Cal.* Nos. 9, 29, 30, 35, 36. Further instances of continuous activity in a particular district are found in the principality of Salerno. Atenulf is mentioned as chamberlain at Salerno in February 1144, at Ravello, in March 1145, at Salerno again in Feb. 1146, and without any place being mentioned in October 1146; *Cal.* Nos. 14, 18, 20, 21; Alfanus, too, is mentioned in the principality in Oct. 1151, in 1152, Oct. 1156, Dec. 1158. *Cal.* Nos. 32, 33, 43, 49.

tenure of office may indeed have begun before this, for the latest mention of his predecessor Atenulf belongs to 1146. In any case Alfanus was chamberlain during the last years of Roger and the first years of William. It should be noted that there was never more than one chamberlain over a district. In endeavouring to make a fiscal map it is convenient once more to follow the geographical sequence of the Catalogue of the Barons and to begin with the Terra di Bari.

Terra di Bari.

For this region, rich as it is in judicial records, but little information in regard to the chamberlains is forthcoming. The Catalogue omits the name of the chamberlain in the only passage where such an official is mentioned, and other documents are silent for the reign of Roger II. In 1164, however, a certain John describes himself as *terre Bari camerarius*,[1] thus giving the definite territorial title for the first time on record. After this date no other chamberlain in the land of Bari has come down to us till Tasselgard[2] late in the reign of William II.

Principality of Taranto and Central Apulia.

For the Terra di Otranto, the southern portion of the principality of Taranto, there is even less information than for the Terra di Bari. No chamberlain is mentioned as such in the Catalogue, and the documents are silent till the reign of William II., when the chamberlains have the territorial title of the Terra di Otranto.[3] In the earlier period the region may have been joined with the rest of the principality or it may from the first have had a chamberlain of its own.

The northern region of the principality which, it has been seen, comprised the greater part of the later Basilicata,[4] appears to have been united with the central districts of Apulia, that is, the later Capitanata and Honour of Monte S. Angelo, at the period when these portions of the Catalogue were compiled, for Raynald son of Fredaldus or Frahaldus, gave the value of fiefs in Anzi and Montepeloso (principality of Taranto), Casale S. Trifoni (county of Lesina), and received orders to make inquiries

[1] *Cal.* No. 59, John was apparently a Greek, to judge from the fragment of signature appended to the document.

[2] Crudo, *La SS^ma. Trinità di Venosa*, p. 254, An. 1177, *Tasselgardo Regio Camrio* [sic] *Terrae Bari. Cod. Dipl. Bar.* i. No. 65, Diploma of Constance for Doferius, archbishop of Bari: *sicut Rex W[idelmus] nepos noster bone memorie sine diminutione aliqua dari precepit Tasselgardo tunc temporis camerario.*

[3] Del Giudice, *Cod. Dipl. Ang.*, *App.* i. p. li. No. xxvi. Anno 1176, *Urso de ulita terre ydronti regius camerarius.* Chalandon (ii. 684–5) mentions Marrotus or Pierre de Marrotto chambrier de la terre d'Otrante, from Cod. Dipl. Brundusinus.

[4] Cf. *supra*, p. 346 *seq.*

concerning the knights of S. Agata (later Capitanata).[1] Thus a very large district is tacitly assigned to Raynald. Fortunately we possess a document issued by him at Salpi (Capitanata) in 1158[2] which helps to fix the date of his office. It is impossible to say how long this great tract of country was united under one chamberlain. Towards the close of the Norman period, the portion of the principality of Taranto which corresponded fairly closely with the later province of the Basilicata, formed the Honour of Montescaglioso, and in 1188 a royal chamberlain of the Honour is found.[3] A document of 1175[4] indeed mentions a chamberlain of the Basilicata, but this is the only case known[3] in which the name of this province appears before the reign of Frederick II., and the document is open to grave suspicion.

In the more northerly part of Raynald's sphere—the later Capitanata and Monte S. Angelo—the names of several other chamberlains are recorded, but it is not possible to indicate the divisions of the country for financial purposes. Benesmirus was royal chamberlain at Siponto (Honour of Monte S. Angelo) in 1147,[5] (ten years later he was described as *quondam regalis camerarii*),[6] and in 1156 Leo of Foggia witnessed a concord at Troia as *Regalis Camerarius*.[7] A certain Matthew must be numbered among the predecessors of Raynald son of Frahaldus, on the evidence of the Catalogue; after the sum of the fiefs of the knights of Bovino, a note is added *quorum nomina et tenimenta debet scribere Curie idem Mattheus Camerarius*.[8] Now the duty of making an inquest concerning the knights of S. Agata in the preceding article was entrusted to Raynald son of Frahaldus, not to Matthew. The word *idem* applied to Matthew suggests that he had been mentioned before, but it has been seen that Raynald and not Matthew was the chamberlain found in the foregoing article. This may, however, be explained by the fact that the Catalogue underwent much editing from time to time to bring it up to date. It would seem that Matthew was the chamberlain originally charged with the affairs of S. Agata, and the name of Raynald was substituted later in this article,

[1] *Cat. Bar.* p. 574, Arts. 118–124; p. 581, Art. 387; p. 582, Art. 406.
[2] *Cal.* No. 48.
[3] *Chart. Cup.* No. 133, 1189, Sept. Ind. vii. (p. 257) *Ante presentiam . . . domini Robberti tituli honoris montis scaveosi regii camerarii . . .*
[4] St. Arch. Naples. Perg. Mon. Sopp. vol. ii. No. 178 *bis*, cf. *supra*, p. 346, n. 3.
[5] *Cal.* No. 23.
[6] St. Arch. Nap. Perg. Mon. Sopp. vol. i. Nos. 84 and 86.
[7] *Cal.* No. 45.
[8] *Cat. Bar.* p. 582, Art. 407.

while Matthew was left unaltered in the article dealing with Bovino. One other chamberlain is known in this region, Turgisius, who is described by Hugo Falcandus as chamberlain in the neighbourhood of Troia in 1167.

It must be confessed that practically nothing is known concerning the organisation of the Capitanata and Monte S. Angelo for fiscal purposes and very little can be discovered in regard to those parts of the Central Region which formed the province of the Terra Beneventana under Frederick II. In discussing the circuits of the justiciars it has been shown that the country to the north-west and the west of Benevento, including Morcone, Cerreto, Guardia, Montesarchio, and Cervinara, belonged during the Norman period to the principality of Capua.[1] The rest of the later province was divided, it has been seen,[2] between the duchy of Apulia and the principality of Salerno. To the former belonged undoubtedly the counties of Avellino and Buonalbergo, but nothing can be discovered about the chamberlains responsible in this district. The Terra Beneventana in the principality was included in the constabulary of Gilbert of Balbano and seems to have been under the same chamberlain as the rest of the principality of Salerno, for Alfanus returned the number of knights due from Atripalda, Montemiletto, Cursano,[3] and Murrone.[4] Consequently the chamberlain of Salerno was responsible for all the country south of the Ufita and the Calaggio. At the end of William II.'s reign the principality extended even further north for fiscal purposes, according to the judgment issued by the master justiciars in 1183 in a suit between the abbot of S. Nicholas of Troia and the men of Ascoli.[5] The land in dispute seems to have been situated between Ascoli and Bovino, apparently on the boundary, for the litigants themselves differed as to whether it was in Ascoli or Bovino. The royal writ charging the master justiciars with the suit ordered the presence of the chamberlain of the principality of Salerno, Cioffus, so that he must have been responsible for the land in dispute. There may of course have been some rearrangement of provinces by 1183, but in the Catalogue

[1] *Supra*, p. 373–4. [2] *Supra*, p. 358 *seq.*

[3] *Cat. Bar.* p. 590, Art. 714. The catalogue has Melito, but in the margin of the MS. is a note *Mo. de Mileta*, hence Montemiletto near to Atripalda is probably meant rather than Melito nearer to Ariano. Cursano may well be Chiusano between Atripalda and Montemiletto.

[4] *Cat. Bar.* p. 583, Art. 429, Murrone may perhaps be identified with Morra or Murra near S. Angelo dei Lombardi.

[5] Cf. *supra*, p. 363.

Bovino certainly did not belong to the chamberlain of Salerno and it is not likely that Ascoli was included in his district. The whole question is most obscure, and it is to be deplored that none of the chamberlains in the Central Region of Apulia bears a territorial title.

The principality of Salerno.

In the principality of Salerno no such problems present themselves for solution as come to the fore in dealing with the central regions of Apulia: the Catalogue makes frequent mention of the chamberlains and even speaks of the bailiwick of Alfanus, while contemporary documents supply us with particulars concerning the fiscal officers of the district from a very early period. As it is described in the Catalogue, the region attributed to Alfanus comprised the constabularies of Lampus of Fasanella and Gilbert of Balbano—in other words, the later province of the Principato with the duchy of Amalfi and the Terra Beneventana between the Ufita and the Sabato. Hugh of Lettere is the earliest holder of the office in the principality of whom we have any knowledge. He is mentioned in a document of 1147, drawn up by the strategotus of his widow Marotta, the lady of Lettere,[1] but he had been succeeded sometime before February 1144 by his brother-in-law Atenulf, *filius quondam johannis qui fuit filius ursi comitis*.[2] Atenulf held a considerable amount of property in and about Salerno, and he was evidently a person of importance in the city; it is impossible to fix the length of his tenure of the chamberlain's office in Salerno precisely; the last notice of him belongs to the year 1146,[3] but there is no notice of any successor till Alfanus is mentioned in 1151. It is tempting to identify the chamberlain *Adenolf*, the partisan and friend of Maio, with the chamberlain of Salerno, and there appears to be some little ground for the identification.[4] Hugo Falcandus couples his name with Matthew the notary, another well-known citizen of Salerno, and Adenolf's nephew is called Philip Mansellus,[5] a name borne by a Salernitan family. One John Mansella, a clerk of S. Matthew at Salerno, is known to have held land at Giffoni.[6] This John was in all probability the same person as 'John, clerk and sub-deacon of the archiepiscopal church of Salerno, and cousin of Atenolf, the king's chamberlain.'[7] There is then not a little evidence to support the identification of Atenolf with Adenolf.[8] At the

[1] *Cal.* No. 24. [2] *Cal.* No. 14. [3] *Cal.* No. 14.
[4] H. F. pp. 42, 48–50, 70. [5] *Ibid.* p. 49.
[6] *Cat. Bar.* p. 585, Art. 518. [7] *Cal.* No. 21.
[8] All the evidence is against Prof. Haskins' identification of the chamberlain Atenulf with the justiciar Adenulf of Caserta.

time of his close association with Maio he is still called *camerarius*, but his tenure of office in the principality of Salerno must have come to an end, for there are notices of his successor Alfanus between 1151 and 1158. Perhaps Adenolf held some financial post at court. At any rate, he lived at Palermo, for his house is mentioned.

Alfanus was lord of Castellamare and Torricella,[1] while he held, besides, one knight's fee in the Cilento; altogether he owed the service of 11 knights and 11 serjeants to the king. His daughter Coligrima married Robert of Trentenara, and in 1156 Alfanus was appointed one of the *distributores* of his son-in-law's will.[2] Altogether he was a person of considerable importance. He has been identified with the Alfanus who was at the head of the embassy sent in the year 1140 to bring back Elizabeth of Champagne the promised bride of duke Roger, and although there is no definite ground for the identification it is not in any way improbable.[3] The first notice of Alfanus as chamberlain belongs to the year 1151;[4] and three further notices of 1152,[5] 1156,[6] and 1158[7] are extant; it has been already noticed that he is the chamberlain who makes the great bulk of the returns in the Catalogue of the Barons for the principality of Salerno.

In 1163 Marius Russus or Rubeus was chamberlain;[8] he was still in office in 1166,[9] but the exact length of his tenure is not known. He is mentioned as late as 1178,[10] but without the title of chamberlain, and he must have ceased to hold office some little time previously, for several other chamberlains are mentioned from time to time. The surname Russus or Rubeus was a family name, for it is given both to Marius and his brother Cioffus, and they would seem to have inherited it from their father *Malfridus qui fuit filius Ademarii Comitis*, if the identification be

[1] *Cat. Bar.* pp. 583–584; Art. 451; Archives of Cava, Armario I°. H. no. 86, Grant of 1144 of Alfanus de Castello maris to Falco, abbot of Cava; *Cal.* No. 33.

[2] *Cal.* No. 43.

[3] Chalandon, ii. 106, quoting Migne, *Patrologia Latina*, Paris, clxxxii. col. 640, *S. Bernardi Epistolae.* M. Chalandon says that 'le chambrier Alfan' was at the head of the embassy; St. Bernard, however, only mentions *dominus Alfanus nuntius domini regis Siciliae.* Alfanus was certainly not chamberlain of Salerno at the time of the embassy.

[4] *Cal.* No. 32. [5] *Ibid.* No. 33. [6] *Ibid.* No. 43.

[7] *Ibid.* No. 49.

[8] *Cal.* No. 56, *Mario Rubeo Regali Camerario.*

[9] *Cal.* No. 62 . . . D. Mario di lui fratello (*i.e.* Cioffo Russo) Regio Camerario.

[10] Ughelli-Coleti, *Italia Sacra*, vii. col. 404, 1178, Suit of *D. Lucas Guarna Regius Iustitiarius, filiusq. Alferii, qui similiter Guarna dictus est cum Mario Russo cognato suo filioq. Malfridi, qui fuit filius Ademarii Comitis.*

admitted of this Malfridus with a certain Malfridus Rubeus who held land at Salerno in the same group as Luke Guarna, the brother-in-law of Marius.[1] The evidence is of course not complete, but the identity of the two men is at least highly probable. Marius himself held a knight's fee at Giffoni,[2] and he is mentioned in an official capacity in the Catalogue under the name of Marinus Russus:[3] this is undoubtedly an error for Marius, elsewhere the invariable form of his name.

Another chamberlain, *Riccardus Philippi*,[4] is often found in the Catalogue both in the discharge of official duties and as a holder of land. His tenure of office must be placed between 1166 and the notice of John Rassica in 1178. It is not a little remarkable that a document of 1176 concerns a royal chamberlain whose name just reverses that of Richard Philippi—*Philippo olim Regio Camerario filio q. Joannis Iudicis de Riccardo*.[5] This Philip was a native of Salerno, his uncle being the proto-judex Peter whose property he inherited in 1176 after a journey to Palermo to obtain the intervention of the vice-chancellor Matthew in his favour. There is of course nothing to show that the chamberlain Philip held office in the principality, but the coincidence is peculiar. *Philippus Camerarius* is, however, mentioned in the Catalogue as giving information about a fief he held at Eboli.[6]

The tendency towards the appointment of chamberlains connected by family ties is very marked in the principality, for Atenolf was the brother-in-law of Hugh of Lettere and Marius and Cioffus were brothers. Marius too was connected by marriage with Luke Guarna, the justiciar, himself a relative of archbishop Romuald. The growth of an official caste in the principality is worthy of note.

The succession of the chamberlains of the principality under William II. is somewhat confused. It has been seen that Riccardus Philippi probably succeeded Marius Russus. In May and December 1178,[7] John Rassica, royal chamberlain, was at Nocera where he granted, in return for a money

[1] *Cat. Bar.* p. 585, Art. 517. [2] *Ibid.* Art. 520. [3] *Ibid.* Art. 489.

[4] *Cat. Bar.* p. 584, Art. 470; p. 585, Arts. 517, 525; p. 587, Art. 587; p. 588, Art. 635; p. 589, Art. 685.

[5] Ughelli-Coleti, *Italia Sacra*, vii. col. 403. [6] *Cat. Bar.* p. 587, Art. 610.

[7] St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 197 and No. 201. It is interesting to note that Mura, the wife of John Rassica, is commemorated in the *Liber Confratrum* at Salerno: *Anno dominice incarnationis M.C.LXX°. nono. Indictionis terciedecime. Domina Mura obiit. que fuit uxor iohannis rassice* (C. A. Garufi, *I Diplomi Purpurei della Cancelleria Normanna ed Elvira prima Moglie di Re Ruggiero*. Palermo, 1904, p. 25).

rent to the state, certain pieces of land *pro parte rei publice* to Peter de la Regina, abbot of the monastery *sancte et beate Virginis Marie que constructa est in pertinentia rocce apud montem ubi alafracta dicitur*, and promised him and his successors that he John Rassica *Camerarius et ejus successores pro parte rei publice illam eis defendant ab omnibus hominibus.* Another document of this same year, issued at Auletta, gives the name Cioffus, notary of Salerno, as chamberlain,[1] while in the following year the judge Rao bears the title.[2] In 1181 Cioffus appears again repeatedly at Auletta;[3] in 1182, William Butrumilio is royal chamberlain at Sarno,[4] and Alfanus Ioncata succeeds him at the same place in March 1183.[5] In November of this same year, Cioffus is found again as chamberlain *camerariatus principatus Salerni*,[6] and 1185 William Angeri filius was hearing complaints at Sarno.[7]

CHAMBERLAINS OF THE PRINCIPALITY OF SALERNO.

before 1144			domini Ugoni regalis Camerarij (lord of Lettere, married to Marocta sister of Atenulf)	*Cal.* No. 24
1144	Feb.	Salerno	Atenolfus suprascripti domini nostri regis camerarius	*Cal.* No. 14
1145	March	Ravello	dominus Atenulfus regalis camerarius	*Cal.* No. 18
1146	Feb.	Salerno	dominus atenolfus suprascripti domini regis camerarius	*Cal.* No. 20
1146	Oct.		atenolfus suprascripti domini nostri regis camerarius	*Cal.* No. 21
1151	Oct.	Salerno	alfano camerario	*Cal.* No. 32
1152		Auletta	καμυηριλλιγου ο κυρ ἀλφανος καστελλου μάρης	*Cal.* No. 33
1156	Oct.	Trentinara	D. Alphanum Regalem Camerarium	*Cal.* No. 43
1158	Dec.		Alfano Camerario del Re Guglielmo	*Cal.* No. 49
1163	May		Mario Rubeo Regali Camerario	*Cal.* No. 56
1166			Mario Regio Camerario	*Cal.* No. 62
			Riccardus Philippi	*Cat. Bar.* p. 584, art. 470, p. 585, art. 517, p. 587, art. 587
before 1176			Philippo olim Regio Camerario filio q. Joannis Iudicis de Riccardo	Ughelli - Coleti. *Italia Sacra* vii. col. 403
1178	May	Nocera	Johannes Rassica regius Camerarius	St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 197
1178	Dec.	Nocera	Johannes Rassica regius Camerarius	*Ibid.* No. 201

[1] Trinchera, p. 251, No. cxli.

[2] *Ibid.* p. 256, No. cxcv.

[3] *Ibid.* pp. 272, 273, 274, 275, Nos. ccvii. ccviii. ccix. ccx. cf. *Cat. Bar.* p. 587, Art. 615, *Raho Judex, et idem Judex Eboli de hoc quod tenent in commendationem, obtulerunt cum augmento milites II.*

[4] Haskins, i. 445 (3).

[5] *Ibid.* i. 445 (4).

[6] Capitular Archives, Troia.

[7] Haskins, ii. 646, n. 136.

1178		Auletta?	καπριλίγγου δὲ τῆς αυτοῦ χωρας· νοταριου· του σαλλερνου τζωφφου	Trinchera, No. CXCI. p. 251
1179		Auletta?	καπριλλιγγου κατα της αυτοῦ χωρας κριτου ράου	Trinchera, No. CXCV. p. 256
1181		Auletta?	καπριλλιγγου της χωρας ολεττας νόταριου τζοφφου δε σαλερνου	
			,, ,, ,,	Trinchera, No. CCVII. p. 272
			,, ,, ,,	Trinchera, No. CCVIII. p. 273
			,, ,, ,,	Trinchera, No. CCIX. p. 274
			,, ,, ,,	Trinchera, No. CCX. p. 275
1182		Sarno	Guilielmo Butrumilio [not Buarumilio] regio camerario	Haskins, p. 445 (3)
1183	March	Sarno	Alfanus Ioncata domini regis camerarius	*Ibid.* p. 445 (4)
1183	Nov.		Cioffus camerarius camerariatus de principatu Salerni	Arch. capit. Troia Sacks K and M
1185		Sarno	Guilielmus Angeri filius suprascripti domini nostri regis camerarius	Haskins, p. 646, n. 136

County of Molise.

For the county of Molise no chamberlain is mentioned as such in the Catalogue, but Abdenagus filius Anibalis who frequently gives information as to fiefs,[1] was not improbably the chamberlain. No doubt he is to be identified with the master justiciar of the central court,[2] who took part in the trial of Richard of Mandra, count of Molise, and was present at a suit at Messina in 1168. The silence of the Catalogue is the more unfortunate since no documents of the period make mention of any chamberlains within the county.

Terra di Lavoro.

For the Terra di Lavoro, on the other hand, there is abundant information about the early chamberlains. Jocelin has already been referred to sufficiently. In 1140 Ebulus of Magliano appears, and he remained in office from this date till 'the time of Simon the seneschal,'—that is between 1156 and 1160. Marinus, of whom nothing but the bare name is known, held office in 1161, when he heard a suit at Capua.[3]

Besides Jocelin and Ebulus, one other chamberlain, William filius Angerii, probably held office in the principality under Roger II. He is mentioned in a document of 1168[4] drawn up by the judges Regitius and Manasses, to confirm the boundaries of a certain coppice on the request of a priest called Blaise, who appeared on behalf of Peter of Revello. In support of the request, he produced an instrument describing *quomodo*

[1] *Cat. Bar.* p. 590, Art. 726; p. 591, Art. 752; p. 592, Arts. 761, 778; p. 593, Art. 804.
[2] H. F. pp. 140, 141.
[3] *Cal.* No. 52.
[4] *Cal.* No. 38.

preteritis annis Guillielmus filius angerii qui tunc temporis camerarius erat domini nostri gloriosissimi regis Roggerii had delimited the boundaries of a coppice granted to Peter by king Roger as a reward for his services. It is most unfortunate that the name of the town to which the judges belonged is not mentioned, especially since the topographical indications as to the position of the coppice are of too local a character to be of much assistance. Some help towards identifying the neighbourhood comes from a charter of count Roger of Alife in 1170, granting this same wood to the church of S. Mary of Montedrogo, *in territorio tocci nostri castri.*[1] Probably the wood in question was in the neighbourhood of Tocco, for Peter of Revello, the former owner of the wood, is numbered among the knights of Tocco.[2] The place belonged, according to the Catalogue, to the principality of Capua, as did likewise the county of Alife. It may then be regarded as tolerably certain that William fil. Angerii was chamberlain in the principality under king Roger. The period of his activity is narrowly limited by the dates of the other known chamberlains, for Jocelin was in office in 1135 and in the autumn and winter of 1136–1137, while Ebulus began in 1140 a career which extended into the reign of William I. In the spring of 1137 the principality of Capua fell into the power of the emperor Lothar, and Robert of Capua returned to his capital and his possessions. The administration of king Roger must have been broken up, but we have no knowledge of the fate of the chamberlain Jocelin. The imperial occupation, however, was short-lived, and by October of the same year 1137 Roger had again established himself in the Terra di Lavoro.[3] One of his earliest acts must have been the restoration of the financial officers and the suggestion is put forward that William fil. Angerii was made chamberlain at this period. As to the particular occasion of the recorded action of this official, another suggestion may be offered for what it is worth. Roger besieged Tocco from September 22 to September 29, 1138,[4] and it may well have been at the siege of this castle that Peter of Revello did such service to the king that he obtained the grant of the coppice whose boundaries were marked out by William fil. Angerii.[5] An instance of a similar action on the part

[1] Del Giudice, *Cod. Dipl. Ang.* i. *App.* i. p. xxxi. No. xiv.
[2] *Cat. Bar.* p. 599, Art. 991. [3] Caspar, *Reg.* An. 1137. [4] *Ibid.* An. 1138.
[5] Guillielmus f. Angerii is mentioned several times in the Catalogue, notably at Nocera and Rapara, cf. p. 585, Art. 493, *Nuceria. Guillelmus filius Jordani, nepos Guillelmi filij Angerii*

of the king, done in the midst of important state business, was the grant of the mountain to the monastery of Telese. For the reign of William II. the names of several chamberlains have come down, as the following table shows.

CHAMBERLAINS OF THE PRINCIPALITY OF CAPUA.

1135			Gaucellinus—procurator	*Cal.* No. 1
			Gaucellino Vice-domino	*Cal.* No. 2
1136	Autumn	Monte Cassino	Canzolinus qui tunc Capuæ præerat	*Cal.* No. 3
			Canzolino Capuani principatus camerario	*Cal.* No. 4
1138?	Autumn	Prata near Tocco	Guillielmus filius angerii qui tunc temporis camerarius erat domini nostri gloriosissimi regis Rogerii	*Cal.* No. 38
1140	October	Atina	Ebulo de Mallano, Regio Camerario	*Cal.* No. 9
1149	May	Capua	Ebuli Regii Camerarii	*Cal.* No. 29
1149	December	Pontecorvo	Evulus de Maliano (without the title)	*Cal.* No. 30
T.R.R.		Sessa	Evulo de Mallano (without the title, but fulfilling the chamberlain's functions)	*Cal.* No. 35
T.R.R.		Rocca Guglielma and Pontecorvo	Ebulus de Mallano	*Cal.* No. 40
Time of Simon the Seneschal 1158?			Evulus de Mallano	*Cal.* No. 36; cf. Di Meo ad an. 1162, n. 4
1161	October	Capua	Marino Regal Camerario	*Cal.* No. 52
1168	October	Naples?	Turgisio de Campora Camerario Terre Laboris	Winkelmann, *Acta Imp. Ined.* i. 217
1170	March	,,	Turgisio de Campora Camerario Terre Laboris	*Ibid. loc. cit.*
1171	June	Maddaloni	Atenolfo de Patricio (without the title)	Muratori, *R.I.SS.* ii. pt. 1, 317
1173	September	Sora	Adenulfo de patricio camerario terre laboris	Archives of Monte Cassino Caps. 101 Fasc. v. No. lxi.
174	December	Teano	Matheo Juncatello Regio terre laboris Camerario	Archives of Monte Cassino, Cod. Dipl. vol. iv.
1182	November	Summa and Ottajano	Guillelmus Russus regius camerarius terre laboris	St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 253
1187			Guillelmus filius Johannis Regius Camerarius terre laboris	Minieri Riccio, *Saggio di Codice Dipl.* Supp. pt. i. p. 21

dixit, quod feudum suum est II. militum, et cum augmento obtulit milites IV.; p. 596, Art. 898, *Guillelmus filius Angerii tenet de eo in Rapara feudum I. militis et cum augmento obtulit militem I.*

A notice of *Guilielmi filii Angerii* is found in a diploma of Jordan II. of Capua of 1120. His intervention is mentioned together with that of several other barons and knights of the principality of Capua, Gattola, *Access.* i. pp. 235-6. The early chamberlain cannot, of course, be identified with the bearer of the name and office at Sarno in 1185.

The Abruzzi.

The northern regions of the kingdom, divided between the duchy and the principality of Capua, formed under Frederick II. the region of the Abruzzi. No apparent notice is given in the Catalogue of fiscal divisions, and contemporary records yield only the name of one chamberlain, Samarus of Trani, who about 1158 held an inquest at Brittoli[1] and in 1163 decided a suit at Sulmona.[2] In 1167 he witnessed a charter of the master captain Gilbert of Gravina.[3]

Functions.

The functions of the chamberlain fall into two distinct divisions, since they were both administrative and judicial officers.

I. Administrative.

In their administrative capacity, the chamberlains were responsible for the whole mass of fiscal rights enjoyed by the king. These rights may be divided into three main groups: the first includes all rights accruing to the king as lord of the royal demesne; rights that any other lord would have over his estates—such were payments in money or in kind, dues on land, cattle, produce, markets, tolls by land and water; exclusive rights to establish ovens, wine-presses, slaughter-houses, mills; labour services especially for building and carriage, and the enjoyment of hunting and rights over the woods, water-courses, and pastures of the demesne. The second group comprises the feudal rights of the king—military service by sea and land and the usual incidents of military tenure, the *adjutorium* or aid, escheats, relief, and wardship with control over the marriage of heiresses. The third group consists in those rights which the king enjoyed as sovereign—the establishment of mints, the monopoly of mines, salt-works, quarries, the tunny fishery, and various manufactures. To this class also belong the right to treasure trove and the produce of wrecks, as well as export and import dues on certain classes of merchandise, the right to tax the Jews and the right to purveyance in various forms. Besides all these fiscal rights, we find from time to time that special direct taxes were imposed. In all these departments the chamberlains were employed, but it is especially with the management of the first two groups, the demesne rights, and the feudal rights of the king, that they were concerned.

Administration of the Royal Demesne.

The chamberlains were originally appointed, with a view to the proper administration of the royal demesne,[4] and although their sphere of action was afterwards extended, this part of the work was always of

[1] *Cal.* No. 50. [2] *Cal.* Nos. 54, 55. [3] *Chron. Casaur. R.I.SS.* II. pt. 2, col. 1011.

[4] *Cal.* No. 1 . . . *super universam terram, que sub proprio erat dominio quendam strenuum, cui nomen erat Gaucellinus . . . procuratorem constituit.*

first-rate importance. They are found vindicating the rights of the king, assigning and verifying grants of demesne land and grants of privilege and immunity to private persons, as well as supervising and coercing those officials—bailiffs and foresters—who were charged with the practical working of the demesne. The period of civil and foreign war which marked the beginning of the reign of Roger II. produced great confusion in the tangled web of fiscal interests, and it was the first duty of the chamberlains to establish the rights of the *curia*. For this purpose they were empowered to use the sworn inquest. A remarkable example of such an inquest was that held in 1140 by Ebulus of Magliano to settle the respective rights of the citizens and the king their lord.[1] No doubt similar inquiries were being held over the country, to form the basis of the royal budget.

Besides vindicating the rights of the king, the chamberlains were charged with the duty of making over to the recipients of royal grants the concessions they had obtained. One or two such cases have already been mentioned in discussing the personal orders which Jocelin and Ebulus received from the king, but another may be added. In 1158, Raynald filius Fredaldi carried out the orders he had received to give permission to an inhabitant of Salpi to build an oven on his property there.[2]

Sometimes the chamberlains delimited the boundaries of a grant of property, as, for example, when William filius Angerii marked out the coppice granted to Peter of Revello,[3] or verified a previous concession of privileges.[4] The intervention of the chamberlains in these matters was essential, since they were responsible for collecting the revenues from the demesne, and every grant of land or immunity had the effect of diminishing the royal revenue. Any such diminution touched the chamberlains of the later Norman period in a special manner, since they received their office at farm, paying a definite sum down to the *curia* and making what profit they could on the actual receipts from their district. Hence, if certain sources of profit were granted away, the sum demanded of the chamberlains would in justice need reduction.[5]

[1] *Cal.* No. 9. [2] *Cal.* No. 48. [3] *Cal.* No. 38.

[4] Chalandon, ii. 685 . . . Pierre de Marrotto, chambrier de la terre d'Otrante, reçoit de Guillaume II. l'ordre de vérifier le privilège accordé par Guillaume Ier. à l'archevêque de Brindisi. (Cod. Dipl. Brundusinus.)

[5] Cf. *Novae Constitutiones Regni Siciliae* § *IX. Constitutiones super scholis ratiocinii, super ratiociniis ab officialibus recipiendis, et responsiones de excomputationibus, de apodixis et expensis*, p. 219, iii.

The duties of the chamberlains included further a close supervision of the demesne officials, the bailiffs and foresters, and the transmission of royal orders to them. Unfortunately it is not possible to illustrate the ordinary administrative relations between the chamberlains and bailiffs for the reigns of the first two kings, for the records at our disposal only describe the exceptional intervention of the chamberlains in cases of oppression, and this action belongs rather to the judicial side of their office than to the administrative. For the year 1187, however, an instance of the everyday relations between the two groups of officials is available. In this year William filius Johannis, royal chamberlain of the Terra di Lavoro, transmitted a royal order which he had himself received from Eugene *magister Regie duane baronum* to the effect that all tolls at bridges and rivers throughout the demesne were to be remitted for man and beast.[1] This is a late instance, but there is no doubt that the bailiffs were always under the control of the chamberlains. The bailiffs were the representatives of the *curia* in every city or town or castle of the demesne: in their judicial capacity they heard civil suits of lesser importance, and in their administrative competence they managed the demesne lands and collected the dues paid by the district over which they were set. As to the actual method of payment, we know that the bailiffs received the dues in the first instance[2] and we may suppose that they handed them over to the chamberlain, who would then make any payments chargeable on the revenue; grants of tithe of all the revenue of a certain bailiwick to a church were not infrequent, and in one case under William II. the chamberlain of the Terra di Bari was expressly ordered to make over the tithe to the archbishop of Bari.[3] Sometimes a tithe of one particular source of revenue—corn, oil, or fish, was dedicated to the use of the church. Probably, too, the expenses of the royal service in the district—payment of officials, upkeep of castles—were defrayed by the chamberlains out of the local revenues, but of this we have unfortunately no evidence. The fate of the balance after all charges were met must have depended on the method of payment of the chamberlains. Under the first two kings, when they

[1] Minieri Riccio, *Saggio di Codice Dipl.* Supp. Pt. i. p. 21.

[2] Archives of Monte Cass. Cod. Dipl. Tom. iv. Complaint brought by the farmer and chaplain of Monte Cassino against the bailiffs of Teano and Atina, in the presence of Matthew Juncatellus, chamberlain of the Terra di Lavoro, for having exacted *placta* for the wine of the monastery, Dec. 1174, Ind. 8.

[3] *Cod. dipl. Bar.* i. No. 65.

probably received fixed salaries, the balance must have been transmitted to Palermo. After the chamberlains began to farm the revenues, the balance must have represented their own profit. One further duty in connexion with the general supervision of the royal demesne may be noticed—the duty of protecting churches, which the king brought under his special care. An instance of this protection belongs to the year 1158 or 1159, when the chamberlain Samarus was ordered to take the abbey of Carpineto and its possessions under the care and protection of the king.[1]

Feudal business.

In many instances the chamberlains supplied the information for the *curia* as to the amount of military service due from each tenant: this appears in countless cases in the Catalogue of the Barons. When the necessary particulars were not to hand, the chamberlains were ordered to inquire, that is to hold an inquest in the technical sense. The method of holding such an inquest is clearly shown in the action of Ebulus at Atina in 1140,[2] when amongst other matters, he was directed to verify the service due from the military tenants. It is probable that the chamberlains could not hold inquests on their own responsibility, for in all cases where this method was employed, it was ordered by the king himself or by his deputy. The inquests of the chamberlains were not limited to obtaining information about the condition of fiefs and the amount of service due, but they were also a means of finding out the truth, when the opposing parties in a suit made contradictory statements of fact. An example may be quoted from a suit brought before Simon the Seneschal as master captain of Apulia. The parties differed in their version of the facts, and letters were sent by the master captain to Samarus of Trani, the local chamberlain, to find out the truth by a sworn inquest on the spot.[3]

The concession of fiefs, perhaps only those of lesser importance, has been regarded as part of the chamberlains' duties, but it seems in truth doubtful whether they really had powers of such far-reaching character. The burden of proof rests with a passage of Hugo Falcandus,[4] for contemporary documents are nearly always careful to mention the orders the chamberlain had received whenever he proceeded to grant an immunity or to put the recipient of property into possession. The story narrated by Hugo emerged in the course of the trial of count Richard

[1] *Cal.* No. 50. [2] *Cal.* No. 9. [3] *Cal.* No. 50. [4] H. F. p. 140.

of Molise, when the count of Caserta asserted that Mandra, and certain other towns belonging to him in the neighbourhood of Troia, were invaded by Richard, who held them without the knowledge of the *curia*. In his defence Richard urged that the gaytus Peter, when he was head of the *curia*, granted Mandra to him, and that the other towns were conceded by the chamberlain Turgisius. The chamberlain, however, for his part, denied that Richard had ever held the towns by his leave. But, supposing that Richard's version of the case was the true one and that the chamberlain had given permission, two explanations of his conduct are possible: he might in so doing have exceeded his powers, or the licence referred to might well have been the formal act of concession which was generally made by the chamberlain acting under orders from a superior authority. In the case of the concession of an oven at Salpi, mentioned already, Maurilianus might have urged with truth that he had the licence of the chamberlain Raynald, but the chamberlain's action was inspired by the orders of the master captain Stephen.

Revenue from sovereign rights.

In regard to the administration of the revenue and profits which accrued to the king by reason of his sovereign power, no direct information can be had for the reigns of the first two kings. Among the most important sources of revenue were the customs duties on exports and imports, and the dues paid by ships on entering and leaving the ports of the kingdom. The actual collection of these payments was made by officials called *portulani* and *dohanerii*, but nothing is known of the relations existing between them and any of the superior financial officers. The question must be left in the same unsatisfactory condition, not only as regards customs and port dues, but also so far as all sources of revenue derived from sovereign rights are concerned. It is not possible to do more than infer from the apparent absence of any other financial officers, that these resources of the crown were managed by the chamberlains, or by the master chamberlains after their institution under William I. For the reign of William II. the problem is more complicated, since the masters of the *duana* are found for the first time in the provinces of the mainland in the years 1174, 1177, and 1178,[2] while about the same period the appointment of master chamberlains of Apulia and the Terra di

[1] *Cat. Bar.* p. 579, Art. 294, *Comes Robertus Casertanus dixit quod Mandra et Pulcarinum est feudum III. militum.* Pulcarinum is certainly Volturino, a village north-west of Troia, near Volturara Appula.

[2] Cf. *supra*, p. 299.

Lavoro apparently ceased. It is probable, then, that the control of the provincial chamberlains passed to the masters of the *duana*, so that indirectly these officials became reponsible for the whole revenue from the mainland. But besides exercising this indirect control, the masters of the *duana*, by a constitution of king William,[2] were made directly responsible for certain sources of revenue derived from sovereign rights of the king. There must have been some re-arrangement of official duties at this period, for this enactment was expressly framed, in accordance with the general policy of the Norman sovereigns, to prevent the overlapping of functions. It defines 'those matters with which the masters of the *dohana de secretis* and of the quaestors are to concern themselves, thus separating their office from the rest.' These matters are treasure trove, wrecks, and property on the demesne falling in to the crown owing to failure of heirs in cases of intestacy. The constitution may be interpreted in two different ways: it may have been intended to limit the activity of the masters of the *duana*, who in this case must have enjoyed a wider sphere before this regulation, or its purpose may have been to withdraw the matters in question from the chamberlains or master chamberlains. The second explanation is more probable in view of the disappearance of the master chamberlains of Apulia and the Terra di Lavoro, together with the apparent simultaneous transfer of the control exercised by them over the provincial chamberlains to the masters of the *duana*.

Collection of the *redemptio*.

The only extraordinary direct tax in the Norman period was that known as the *redemptio*, which was imposed on the towns of Apulia and the Terra di Lavoro as a punishment for the revolt of 1160–1161. For its collection the master chamberlains were ultimately responsible, but the actual levy of the money must have been undertaken by the chamberlains in the regions committed to them. The precise method of payment is nowhere described, but it is probable that a lump sum was set down for

[1] Huillard-Bréholles, *Hist. Dipl. Frid. Sec.* t. iv. pars i. p. 36, Tit. lxi. ΛΘ. (39), Rex Guillelmus, *Dohane de secretis et questorum magistri discretum officium ab aliis separantes, super quibus et de quibus* [*per se vel per alios quibus hoc specialiter destinant*] *se intromittere debeant, presentis constitutionis nostre tenore duximus advertendum: in primis videlicet de thesauris inventis, et de pecunia absconsa ab aliquo, quorum domini per probationes dilucidas reperiri non possunt. Item de his qui de naufragiis curie nostre debentur* [*cum ex naufragio quorum res sunt aliqui vel ex eis successores legitimi non supersunt, intromittere se debebunt*]. *Preterea si aliquis clericorum qui hereditaria possederit* [*vel laicorum*] *de terra demanii nostri sine herede decesserit, nec filium vel filiam legitimam aut aliquem ascendentium vel descendentium aut ex latere venientium qui ad successionem ipsius ab intestato possit* [*de jure*] *venire, reliquerit, nec testamentum fecerit . . .*

each town and that this was divided up among the inhabitants. Such a system of repartition seems implied in the denunciation of the tyranny which demanded the largest sum from those who were least able to pay.[1]

II. Judicial powers.

The judicial activity of the chamberlains was limited to the cognizance of civil cases, and it is possible to determine with tolerable accuracy the nature and extent of their jurisdiction. The contemporary records of suits pleaded before the chamberlains from the time of king Roger onwards throughout the Norman period support in almost every particular the constitution issued by Frederick II. to regulate their activity—a constitution confessedly based on the practice followed under his predecessors. It is therein laid down that the chamberlains are to take cognizance of civil suits, those dealing with feudal matters alone excepted, but only at the request of the bailiffs or *in defectu ipsorum*, that is to say, when the bailiffs either delay to settle a case, or fail to enforce the sentences they pronounce.[2] The chamberlains are further empowered to hear causes that arise between the bailiffs and the men of their jurisdiction, and also to receive appeals from the bailiffs' courts in the presence of these officers. Hence it appears that the civil jurisdiction of the chamberlains was an appellate and revising jurisdiction over the bailiffs, and was only exercised in cases of first instance when disputes arose between the bailiffs and those they governed. An examination of the existing records of actual cases decided by the Norman chamberlains shows the points both of resemblance and difference between Norman practice and the principles laid down by the emperor Frederick. And first of all, it should be noticed that the limitations imposed by the Constitution on the cognizance of civil suits by the chamberlains were not regarded in the Norman period, so that these officers were able to withdraw cases from the bailiffs or judges independently of the wishes of these last, and also to deal with questions relating to fiefs. A suit of the year 1149,[3] in the principality of Capua, illustrates the freedom of the chamberlains under king Roger to deal with all civil cases: a proprietary action had been begun in the court of the castle of Maddaloni, before the judges of that place and the prince of Capua's chamberlain, the subject in dispute being the ownership of a piece of land claimed by Peter Girardi

[1] H. F. p. 87 . . . *in eos plurimum qui minus poterant redemptionis exactio seviebat* . . .
[2] *Const.* Lib. I. Tit. lx. (45), pp. 40–41.
[3] *Cal.* No. 29, cf. Gregorio, *Considerazioni*, cap. ii. pp. 150, 151.

on the one hand and the provost of S. Angelo in Formis on the other. A delay of eight days was granted to Peter to prepare arguments to meet the documentary evidence produced by the monastery. In the meantime, before the eight days had elapsed, Ebulus the royal chamberlain heard of the matter and ordered the case to be brought before him at Capua in the presence of the barons, judges, and *probi homines* of the city. The sentence was pronounced by the judges of Maddaloni and Capua after consultation with the barons and *viri idonei*. The ground of removal of the suit to the hearing of the chamberlain is never explained in the document, but it may be that Ebulus considered the case too intricate for the unaided wisdom of the judges of Maddaloni. It certainly dealt with feudal matters, because the land in dispute was a fief held of the monastery of S. Angelo in Formis for a term of years, for which the service of one serjeant was due to the *curia*.

So far a case has been considered in which the Norman chamberlains exceeded the limits laid down by Frederick II. Illustrations, however, are not wanting, from the early Norman period, of activity which would have been sanctioned by the Constitution. In dealing, however, with cases of defect of justice, it must be remembered that the records of suits do not always give the previous history of the litigation, so that this may have been the ground of interference even in cases where nothing is said on the matter. In one instance which occurred in 1146,[1] the presence of the chamberlain Atenulf at a suit heard before the judges of Salerno is almost certainly to be explained by a failure on the part of the litigants to obtain a satisfactory settlement, for they implore the court to make an end concerning the disputes which have been waged between the monastery of S. Mary and S. Benedict at Salerno and the monastery of Cava, about the possession and ownership of a certain church.

The appellate jurisdiction of the chamberlains and their control over the inferior officials is well illustrated in a suit of 1145.[2] A certain John de lu Pendulo maintained that the rector of S. Andrew at Ravello had unjustly seized a piece of land belonging to him, and ought in consequence to pay the penalty of four pounds of pure gold imposed in the charter of the original grant in case of infringement. John appealed to Roger II. for justice, and the king wrote to Constantine strategotus of the duchy of Amalfi

[1] *Cal.* No. 20. [2] *Cal.* No. 18.

to make the rector pay the four pounds, supposing that John's assertions were true. Constantine, however, proceeded to seize all the moveables of the rector of the Church of S. Andrew. On the arrival of the royal chamberlain in Amalfi the case was brought before him and a compromise was agreed on between the parties. The action of the strategos of the duchy was overridden and the moveables were restored to the rector. At the same time the strategos of Ravello was ordered by the chamberlain to give surety on the part of the king to the rector that neither he nor his successors should again suffer injury on account of the land in question.[1]

[1] Cases from the reigns of the first two kings have been cited wherever possible so as to illustrate the activity of the chamberlains from the earliest period. The revising jurisdiction of the chamberlains over the bailiffs is, however, well illustrated in the reign of William II., by suits brought before chamberlains of the Terra di Lavoro, the principality of Salerno, and the Terra di Otranto. These suits exemplify the more regular methods of procedure which grew up in the later Norman period; in all four cases the bailiffs of the king had been guilty of exceeding their rights in a more or less flagrant manner, and the aggrieved parties had been to Palermo to get a royal mandate ordering the chamberlain of the district to investigate the case and to do justice.

The suits in question are:

1. 1173 Between Monte Cassino and the bailiffs of Sora *re* the exaction of rents of corn, barley, and wine from certain churches; heard by the judges of Sora in the presence of Adenulf de Patricio, *camerarius terre laboris*, Arch. di Monte Cass. caps. 101. fasc. v. No. lxi.
2. 1174 Between Monte Cassino and the bailiffs of Teano who exacted *placta* from the wine which the abbot bought in Teano, against the custom of the time of king Roger; heard by the judges of Teano in the presence of Matthew Juncatellus, *Regius Terre Laboris Camerarius*, Archives of Monte Cass. Cod. Dipl. vol. iv.
3. 1176 Between the men of Castellaneta and the foresters of Matera who seized their goods and animals, thrust them like thieves into the lowest prison and trumped up a charge that they had wounded certain persons in the face; heard by Urso de Ulita, *Terre Ydrunti regius Camerarius*, Del Giudice, *Cod. Dipl. Ang.* i. *App.* i. p. li. No. xxvi.
4. 1182 Between the abbot of San Severino at Naples and the bailiffs of Aversa and Somma concerning a tenement between Somma and Ottajano; heard by William Russus, *regius camerarius terre laboris*, St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 253.
5. 1183 A long-standing dispute between the bailiffs of Sarno and the abbey of Cava concerning a *starza* and a mill in the bailiwick of Sarno (cf. document of May, 1178, Archives of Cava, xxxvi. 26, and document of 1182, Archives of Cava, xxxviii. 34, giving previous stages of the dispute in which the royal chamberlain, William Butrumilio, had taken the side of the bailiffs in oppression) occasions finally the interference of Alfanus Ioncata, the royal chamberlain, who sends letters to the stratigotus of Sarno ordering him to give up molesting the possessions of the church of Cava in the bailiwick of Sarno. Archives of Cava, xxxix. 13, *extr.* Haskins, 445–6.
6. In 1185 the royal chamberlain, William filius Angeri, *curiam in Sarnum secundum mandatum regium iusticiam omnibus sue baiulationis facturus teneret*, and recited the royal letters of general instructions which he had received *ut omnia negotia de camerariatu principatus Salerni et cause que ante eum venirent iusti et rationabiliter determinarentur, ut pro defectu iuris ipsa magnifica curia que arduis et magnis negotiis intenta esset non defatigaretur*, Archives of Cava, xxxx. 34, extr. Haskins, 646, n. 136.

There seems to have been a good deal of trouble in the bailiwick of Sarno between 1178 and 1185.

Although the judicial action of the chamberlains of the Norman period from the time of king Roger onwards follows very closely the lines laid down by Frederick II., still the separation of the functions ascribed to the different groups of officials was not so rigidly enforced as it was in the time of the emperor. Indeed it was his avowed object to prevent the overlapping of functions which had previously existed. This was specially the case in the relations of the justiciars and the chamberlains, for the justiciars were frequently charged with deciding cases that seem to belong rather to the province of the chamberlains. Frederick laid down that the justiciars were only to hear civil cases when the chamberlains or bailiffs neglected to do justice in the allotted period for deciding the suit, or when they failed to enforce their sentences. In discussing the action of the Norman justiciars abundant examples have been cited to show the frequent action of the justiciars when the bailiffs or local judges failed to do justice, but it does not appear in any of the detailed descriptions of cases that survive that appeal was made to the chamberlains before the assistance of the justiciars was sought. Notwithstanding this direct action of the justiciars, appeals were carried to them from the decisions of the chamberlains, according to the statement made by Frederick II.'s Constitution.

The chamberlains' court.

Like the justiciars the chamberlains had no courts of their own. They travelled throughout their jurisdiction and heard the cases brought before them in the courts of the local bailiffs and judges. In the reign of king Roger, and sometimes under his successors, the chamberlains seem merely to have directed the proceedings or to have watched them, while the court was held by the local judges to whom the pronouncement of the sentence was committed either tacitly or explicitly. Thus the suit between the abbey of Cava and the monastery of SS. Mary and Benedict in Salerno in 1146 was heard in the court of Salerno, the proceedings being arranged by the judges and the judgment pronounced and signed by them, while the mere presence of chamberlain Atenulf is mentioned, together with that of the strategus of Salerno, and the *idonei homines*. Again in the case which Ebulus of Magliano expressly ordered to be brought before himself at Capua in 1149, he charged the judges of Capua and Maddaloni to pronounce the sentence after consultation with the barons and *viri idonei* who were present. The same procedure was observed by Adenulf of Patricio at Sora in 1173, and by his successor Matthew Juncatellus at

Teano in the following year. On the other hand, cases are not wanting in which the chamberlain himself held the court, conducted the inquiry, and gave the judgment, while the local officials, though present, took no share in the proceedings. For instance, Samarus at Sulmona in 1163 held the court himself. Some chamberlains are careful to explain their position, thus Urso of Ulita in 1176 says: *cum itaque in eadem civitate Castellaneti diffiniendis litigantium questionibus et controversiis ad honorem domini nostri gloriosissimi regis curiam regerem*, and William Russus in 1182 drew up the record of the judgment in his own name and ordered the scribe to commit it to writing. It seems impossible to make any distinction owing to the nature of the suit in these two methods of procedure, for it cannot be maintained that the mere presence of the chamberlain was an early practice, while in the reign of William II. he began to hold the court himself. Examples of both methods come from this reign, and the suits all deal with oppression by bailiffs and are begun by a royal mandate. In the earlier cases the royal mandate is not mentioned, but by the reign of William II. it has become the rule and is generally quoted in extenso. It is impossible to decide whether the mandate was always necessary to begin a suit before a chamberlain or whether it was a new method of procedure, introduced in the later period.

Late in the reign of William II. the chamberlains began to have notaries of their own[1]: in the earlier Norman period a local notary drew up records of judgments, but Samarus in 1158 mentions his own seal.[2]

[1] Haskins. p. 445 (3), 1182, *Iacobo notario ipsius camerarii.*
[2] *Cal.* No. 50.

CALENDAR OF DOCUMENTS

TO ILLUSTRATE THE HISTORY OF THE JUSTICIARS AND CHAMBERLAINS IN APULIA AND CAPUA, 1135–1166.[1]

1. 1135. Capua. A.T. Lib. III. Cap. xxxi. p. 144.

The appointment of the archbishop-elect of Capua and Hamo of Arienzo as justiciars and Jocelin as chamberlain, at Capua by Roger II.

Deinde, ut omnibus injusta patientibus exhiberetur justitia, praefato electo, simulque Magnati cuidam, qui vocabatur Haymon de Argentia imposuit. Verum et super universam terram, quae sub proprio erat dominio, quendam strenuum, cui nomen erat Gaucellinus, virum utique in saecularibus sollertissimum rebus, procurator constituit.

2. Telese. A.T. Lib. III. Cap. xxxv. p. 145.

Jocelin, the king's *vicedominus*, on receipt of a royal mandate orders the viscount Mianus to put the abbot of Telese in possession of the mountain above the monastery.

The king, *scriptoque Gaucellino ejus Vicedomino direxit, quatenus Montem praefatum Telesino Abbati, quod juris Monasterii esset, assignaret. Gaucellinus ergo cum mandatum ipsius accepisset, illico Montem ipsum, sicut per literas mandaverat, per Mianum Vicecomitem eidem Abbati assignari fecit.* Cf. *Cat. Bar.*, p. 598, Art. 963.

3. 1136, Autumn, Monte Cassino. *Chron. Casin auct. Petro M.G. H.S.S.* vii. pp. 811–2, § 98.

The chamberlain Jocelin at Monte Cassino.

Inter haec regis cancellarius Guarinus nomine, Canzolino qui tunc Capuae praeerat mandat, quatinus Casinensi abbati ut ad se veniat destinet,

[1] There are included in this calendar five documents of master chamberlains and two of justiciars in the Val Sinni.

The date given in the head-line of each No. of the Calendar is reduced to modern reckoning: such a rectification is necessary for the observance of a strict chronological order, since in Apulia the year begins with the indiction on September 1st preceding January 1st of our style, and in the principalities of Salerno and Capua on March 25th following. The date as actually given in the document will be found at the end of each number, except in a very few cases, where no rectification was needed.

The first reference in the list of sources given at the head of each document has been used as the basis of the Calendar in each case.

venientem protinus capiat . . . Cancellarius vero iuncto sibi Capuano electo et Cansolino, Casinum ut disposuerat venit. Cf. p. 813, l. 10.

4. *Ibid.* p. 816, § 104.

The chamberlain Jocelin and the election of the abbot of Monte Cassino.

Sed ut ad id redeam unde digressus sum, cum adhuc abbatis feretrum in ecclesia esset, destinati sunt a Canzolino Capuani principatus camerario milites, ut nullus eo absente de abbatis electione tractare praesumeret.

5. 1136, May, Ind. xiv. Garufi: *Documenti* No. xiii. p. 33. Cit. K. A. Kehr, *Urkunden*, p. 52: Caspar, p. 308 and n. 2: Chalandon, ii. p. 677: Haskins, p. 643: Mayer, ii. p. 396, n. 90, p. 397, n. 91, p. 405, n. 1.

Verification of the boundaries between Grumo and Bitetto on the occasion of a complaint lodged against the foresters of Bitetto by Robert count of Conversano, *tempore quo ego Urso Trabalia gratia dei et domini nostri Rogerii magnifici regis tranensium dominator iusticiam manutenebam mihi ab eadem regia potestate commissam et sub nostra curia Desigius hecatepanus Botonti et Bitetti baiularet.* The count complained that the foresters asserted their right to take *terraticum* which belonged to him, from certain lands at Bisceglie. Urso summoned Desigius and William Pascal, his colleague, together with the foresters, who denied that they had wronged the count, maintaining that they only took *terraticum, de propriis terris Bitetti*, in accordance with the ancient boundaries between Bitetto and Grumo. Urso ordered the foresters to produce the *probos et senes homines Bitetti* to describe the boundaries on the spot, and summoned *quosdam de baronibus d. n. gl. R. Rogerii vid. dompnum Thomam de rutiliani et dompnum Amonem Bitricti et dompnum Riccardum Castellanum bari. et dompnum Hugonem Blancum*[1] *et Iusticiarios eiusdem d. n. Regis dompnum Iohannem Gallum Capite et dompnum Ebolum et sapientes quosdam Botonti et Bitetti.* On the appointed day the foresters of Grumo by command of the count offered to show the boundaries against the foresters of Bitetto,

[1] Cf. *Cat. Bar.* p. 572, art. 45. In view of the attribution of the title of justiciar to Hugh in the signature it seems reasonable to emend *et justiciarios* into *et justiciarium*, and to apply it to Hugh rather than to John Gallum Capite and Ebolus. Ebolus may very possibly be Ebulus of Magliano the chamberlain. A Johannes Gallu in capite is mentioned in *Cat. Bar.* p. 596, art 907. (Capua.)

but the court ordered both sets of foresters and the *probi homines* of Bitetto, (their names are given), who cultivated the land in question, to describe them together. Then unanimously they pointed out the boundaries between Bisceglie and the adjoining tenement which the men of Bitetto had held in peace without disturbance on the part of the count and the men of Grumo. The boundaries follow. The men of Bitetto further asserted their term of possession to be not only thirty but upwards of sixty years, and by order of the court they confirmed their testimony with the oath on the gospels. The count then *sicut iudicatum fuerat per fustem dimisit eis terras ipsas quiete tenere sicut designaverunt*: written by John, the kings's notary. *An. dominice inc. Mill. Cent. tric. sexto Regni autem iamdicti fel. R. n. Rog. an. quinto m. madio quarta decima Ind.*

Witnesses: *Thomas Rutiliani dompnus*
Amone Bitricti dompnus
Ugo Blanco Regalis iusticiarius
Erbert miles Birnecti
Lucifer Bosontinus Bitectensium iudex
Ioannocarus Botontinus protonotarius

6. 1136, Nov. Ind. xv. Taranto. Gattola, *Access.* i. 254. Cit. Chalandon, ii. p. 677: Haskins, p. 643: Mayer ii. p. 396, n. 90, p. 405, n. 1, 3.

The original in the Archives of Monte Cassino among the documents of S. Peter Imperialis at Taranto.

Judgment pronounced in a suit between Peter provost of S. Peter Imperialis and Guarin de Bellaaqua *Dum Ego Roggerius de Bisiniano, & Rogerius de Barolo, & Rogerius de Brahala regalis curiæ Justificatores ad dirimenda negotia & injustitias dirigendas, precepto Domini nostri magnifici Siciliæ & Italiæ regis ad judicandum Tarenti sederemus.* Peter claimed that Guarin unjustly withheld the natural son of a certain *villana*, the boy having paid tribute to the chureh. Guarin denied that the mother of the boy belonged to the church and that *puerum suis prædecessoribus & sibi tributarium fuisse peribebat, absque ulla ex parte ecclesia calumpnia.* The justiciars ordered that the church should prove:

(1) That the mother was its *villana*
(2) That the boy was her natural son
(3) That he had paid tribute to the church.

All this was sworn by Urso Bernachius whom Guarin alone chose out of all that were prepared to swear.

Ut autem hoc nostrum judicium firmum, & inviolabile omni tempore permaneat, præsens scriptum per manus Guidonis magnifici regis domini nostri Rogerii notarii scribi præcepimus & signa S. crucis propriis manibus nostris fecimus. + Ego Rogerius de Bisiniano camerarius magnifici regis Justitiarius qui supra confirmo. + Ego Rogerius de Barolo regis Justitiarius qui supra confirmo.[1] *+ Ego Rogerius de Brahala regis Justitiarius qui supra confirmo.*

An. inc. ejusdem mill. cent. trig. sept. m. Novembri ind. quintadecima.

7. 1140, Sept. Ariano? R. S., p. 423.

The universal establishment of justiciars and chamberlains.

Rex autem Rogerius in regno suo perfecte pacis tranquillitate potitus, pro conservanda pace camerarios et iusticiarios per totam terram instituit, leges a se noviter conditas promulgavit, malas consuetudines de medio abstulit.

8. *Assise Regum Regni Sicilie. Codice Cassinese.* No. 36. in Brandileone: *Il Diritto Romano, p.* 136, and Merkel: *Commentatio qua juris Siculi, sive Assisarum Regum Regni Siciliae fragmenta ex cod. ms. proponuntur.* Halle, 1856.

Pleas reserved for the justiciars.

Sancimus ut latrocinia, fracture domorum, insultus viarum, vis mulieribus illata, homicidia, leges parabiles, calumpnie criminum, incendia, forisfacte omnes, de quibus quilibet de corpore et rebus suis mercedi curie debeat subiacere a iustitiariis iudicentur, clamoribus supradictorum baiulis depositis, cetera vero a baiulis poterunt detineri.

9. 1140, Oct. Ind. iv. Tauleri. B. *Memorie Istoriche dell' Antica Città d'Atina.* Naples, 1702, pp. 92–5, cit. Caspar. *Reg.* No. 128: B. 49. (Tauleri gives no source.)

Record of the confirmation of customs granted by king Roger to the city of Atina, and of the inquest held by royal command by Ebulus of Magliano the royal chamberlain, to discover the rights of the *curia* in Atina and the boundaries of the city.

King Roger, having captured Arce and Sorella, encamped near

[1] Cf. *Cat. Bar.* p. 577, art. 219.

the River Melfi and with a few followers entered Atina: he assembled the *universitas*—clergy, knights and other men—in the episcopal palace and *omnes bonos usus, & bonas consuetudines, confirmans, & malas penitus abolens præcepit statim Ebulo de Mallano, Regio Camerario, ut omnia jura Regia, nec non, & fines tenimentorum Civitatis ejusdem, diligenter investigaret, & per Viros idoneos inquireret solicite. Qui jussis Regiis obtemperare paratus, jurare fecit ad sancta Dei Evangelia duodecim homines de antiquioribus Civitatis, ut ea, quæ idem Dominus Rex præceperat, fideliter intimarent.*

The twelve men were the provost Benedict[1]; Nautarius and Albericus, priests; Bransaricus, a deacon; Hector,[2] Actenacius, and Assahel, Knights; Peter (who had been made bailiff); Martin de Lando; Giso; Landulph Pupae and Aymerisius. In consultation with many others, they unanimously declared the rights of the *curia* and of the citizens heretofore in Atina, and described the boundaries.

(*a*) Rights of the citizens:—

(1) That the government should protect the roads, mountains, woods and water courses for the benefit of the citizens *majores & minores* with the exception of any hereditary rights that there might be in wood and water.

(2) That as long as the stream (*Rivus*—now *Rio*) had water in it, a piece of land should be left on either side, both by the men of Atina and by their neighbours, for the use of the animals coming to water.

(3) That the hunting within the boundaries described should be common to the men of Atina and their neighbours, in such a way that they should hunt by turns.

(4) That rights of pasture, wood and cattle-pens should be in common with the neighbours, but that forest trees and their produce should belong to the occupier.

[1] A *præpositus* or provost had taken the place of the bishop at Atina in the time of Innocent II. Cf. Ughelli-Coleti, *Italia Sacra* x. *Chronicon Atinese* § 46, who says *Episcopalis dignitas suppressa dicitur Innocentii III temporibus loco Episcopi, in ea Ecclesia Præpositus successit, S. Sedæ immediate subjectus.* For Inn. III read Inn. II, since Benedict appears in the inquest of 1140 and the *Chron. Atin.* mentions the deposition of Alberic in 1155.

[2] Hector of Atina was royal justiciar in 1148. Cf. *Cal.* No. 28 and *Appendix* No. 7.

b. Rights of the *curia* as recognised by ancient custom :—

(1) *Startias*,[1] *Molendina*, *Plateaticum*,[2] *Cancellorum*, *& Civitatis forfacturas*, *& bona Demanii*, *& medietatem bannorum*[3] *hominum*, *Ecclesiarum & Militum.*

(2) Service from the knights owing service, and from the other men according to the custom of the Val Comina, as the *curia* now exercises them by its bailiffs.

All these customs when they were written down were presented to Leo judge of Atina and public notary, so that he might draw up a public instrument.

Witnesses: *Ebulus de Mallano Regius Camerarius*, Benedict the *praepositus*, and the two priests.

Ab Inc. ejus an. mill. cent. quad. ind. quarta mense Oct.

10. 1140, Oct. Ind. iv. Reign of King Roger and his son Duke Roger. Varano. Archives of Cava, Dictionarium Archivi Cavensis . . opus perfectum a R.P.D. Augustino Venereo et exaratum a R.P.D. Camillo Massaro t. ii., p. 295. Cit. Di Meo, x. ad an. 1140, n. 8.

Henricus de Ollia prouidente Dei nutu Bardonis Olliae magnae memoriae haeres et filius makes a grant *pro redemptione igitur supradicti Patris mei & Matris meae, pro salute quoq. mea ac Rogerii filij mei charissimi* . . . . to abbot Simon of Cava of two fishermen at Varano. Written by Bartholomew, notary of Varano.

Signatures:

Ego Dominus Henricus qui haec concessi.

+*Signum Sanctae Crucis proprijs manibus Domini Henrici Olliae ubique Domini Regis Rogerii beneuoli.*

An. ab Inc. D. MCXLI. Regnante d.n. Rogerio . . . et filio ejus Rogerio invictissimo Duce, mense. Oct. Ind. iv.

11. 1141, Reign of King Roger and his son Roger Duke of Apulia. Crudo: *La SS^ma. Trinità di Venosa*, p. 240. Cit. Haskins, p. 644, n. 122: Mayer, ii. p. 396, n. 90.

Fragment of a document from Gittio: Raccolta manoscritta. Bibl.

[1] *Startias:* I have been quite unable to discover the meaning of this term, which appears sufficiently often in the charters of the Terra di Lavoro.

[2] *Plateaticum, Cancellorum:* Perhaps the comma should be omitted, so that Plateaticum Cancellorum would mean tolls at the barriers or entrance to the city, *octroi.*

[3] *Banna* would seem to be a *fine* in this passage.

Brancacc. Nap. Another copy exists in Cod. of Vat. Lat. 8222, Priuelegia Ecclesię Monasterii S. Trinitatis de Venusio, f. 59.

Ego Henricus Olliae, Dei Gratia, Regalis Iustitiarius olim magnificae memoriae Bardoni Olliae heres et filius. Anno 1141. *Regnante Domino Rogerio Italiae invictissimo Rege, et Rogerio ejus filio Apuliae Duce . . . . Testes Guillielmus Normandiae, Guillielmus, Pandulfus, Manzonus, Basilius Berardus Vicecomes barani.*[1]

12. 1142, after Sept. 1, Ind. vi. Ariano. Capitular Archives of S. Peter's, Rome. Cartulary of S. Saviour on Monte Majella of XIIIth century. f. 6 *verso.*

Printed in the *Collectio Bullarum Sacrosancta Basilicae Vaticanae* I. (*Dissertatio de Antiquitate, ... abbatiae S. Salvatoris ad Montem Magellae*) p. xxii. § xx. T. Vitale: *Storia della Regia Città di Ariano e sua Diocesi*, Rome, 1794, pp. 369–370. No. 3. B. 70. Caspar. *Reg.* No. 147.

Mandate issued by king Roger *prelatis ecclesiarum. Comitibus. Baronibus. Justitiariis. Baiulis. et universis fidelibus suis* announcing that the monastery of S. Saviour on Monte Majella is received *in nostra protectione. Data apud arianum Indictione Sexta.*

13. 1143, Jan. Haskins: *England and Sicily in the Twelfth Century* in *The English Historical Review*, xxvi. p. 643, n. 112, quoting archives of Cava, xxv., 3, 38, 40.

In curia quam dominus Guilielmus archiepiscopus istius civitatis et dominus Lampus de Fasanella regie iusticie iustificatores tenebant per iudicium baronum et iudicum recuperavit. January 1142.

Jan. 1142 at Salerno = Jan. 1143.

14. 1144, February, Ind. vii. Fourteenth of King Roger. Salerno. I omitted to note the source of this document; it belongs probably to the Archive of Salerno, since Don Leone Mattei, Archivist of Cava, assures me, after careful search, that it does not belong to Cava. Original. Unedited.

Exchange made in the presence of William archbishop of Salerno and John and John judges and other *idonei viri* between *atenolfus suprascrpti domini nostri regis camerarius filius quondam johannis qui fuit filius ursi*

[1] This mention of the viscount of Varano makes it probable that the document was issued like No. 10 at Varano.

comitis et guaymarius hujus salernitani archiepiscopii clericus, atque abbas ecclesie sancte marie de alimundo. Atenolf asked leave of the archbishop to make an exchange advantageous to the see, namely to give to the see the land and houses which *ipse camerarius sibi et marotte sorori sue. relicte ugonis quondam suprascripti domini nostri regis Camerarius. pertinere clarificavit* within the city of Salerno, and to receive instead certain lands and houses contiguous with those of the chamberlain and Marotta, also within the city.

An. ab inc. ej. mill. cent. quad. tercio. et quarto dec. autem R. d. n. Rog. Sic. et Yt. gl. regis. M. Feb. septima Ind.

15. 1144, June, Ind. vii. Reign of King Roger. Siponto. St. Arch. Nap. Perg. Mon. Sopp. vol. i. No. 34. Original. Unedited. *Appendix* No. 2. Cit. Haskins, p. 644, n. 122 as No. 40.

Grant made by *Henricus de ollia miles et dominus caprilis atque justificarius domini nostri magnifici regis* of the church of S. Peter on the mountain near the castle of Vico, with all its vines, olives, and lands cultivated and uncultivated, and everything that of right belonged to it, to the church of S. Leonard between Siponto and Candelario (*in lama volari*). Possession of the church was delivered to the prior Andrew, accompanied by his advocate Benesmirus, knight, with all the formalities of Lombard Law, in the presence of Gaderisius, judge of Siponto, and the other *boni homines.*

Written by *Gaderisius Notarius.*

Signatures of:

Henrici de Ollia justificarii Domini nostri magnifici Regis.
Riccardi militis f. predicti Henrici de Ollia.
Maraldi Gaderisius Censor, Censoris filius.

An. Inc. ej. Mill. Cent. Quadragesimo Quarto M. Junii Ind. Sept. Regnante D. Rogg. Vict. et Seren. R. Sic. Atque It.

16. 1144, Ind. vii. Senise and Chiaromonte. *Rivista storica calabrese.* Anno VI., 15 Ottobre, 1898, Serie 2, Fasc. 10, p. 388. The editor of the document, R. Cotroneo, quotes the remarks of Batiffol that in an archive, inaccessible to scholars, of a Roman convent, are to be found many interesting documents for the history of the Greek monasteries of Southern Italy, especially of S. Elia di Carbone,

and continues, 'grazie alle cortesie di un egregio personaggio noi possediamo già in copia varie pergamene a cui il Batiffol accenna.' The Greek text is accompanied by an Italian translation.

Marc. *Plan eines Corpus der griechischen Urkunden*, p. 79, n. 3. Cit. Haskins, p. 643 and n. 114.

Τω ϛχνβ. και ινδ. ζ. ημεις οι κρατοιδες βαθυσιγνου και λαινων οτε Γιβελης λωριας και Ρουβερτος Κλετζης καθεζομοενοι εν συνεσιω και κατακρατουντες, και εκαστω το δικαιον κατα το πρεπον παρερχειν, Gilios of Calabria claimed rights over certain fields which had (apparently in a former suit) been adjudged unjustly to Hilarion, abbot of Carbone, because the abbot produced false documents in support of his claim. After a short stay in Senise, the court moved to Chiaromonte and there in the presence of the magnates, barons, and other notables, as well as of abbot Hilarion, Gilios repeated his contention. The abbot insisted that his documents were genuine and produced them for the inspection of the justiciars. The court allowed the truth of this statement and ordered Gilios to bring forward proofs of his assertions, whereupon he rose up and confessed that he had none, and had only been actuated by anger and spite against the abbot. He was condemned to forfeit all his moveables to the king, and the church was to retain its rights as set out in the charters.

Written by Nicholas the notary of the justiciars.

Signatures :

+ Γιβελης λωριας[1] ο διονομασμενος δικαιω τε[2] βαθυσιγνου μαρτυρω και κυρω.

+ Ρουβερτος Κλετζης[3] ο διονομασμενος δικαιω τε βαθυσιγνου μαρτυρω και κυρω.

+ Ioannes Montis Caveoli Catapanus.[4]

[1] Cf. *Cat. Bar.* p. 587, arts. 586, 601. In the first passage Gibel Lorie holds 3 villeins in Policastro, and in the second he is a tenant of Gisulf of Palude, who holds Palude and Turturella of count Silvester of Marsico. Both these articles are placed under the general heading of the principality of Salerno, but Policastro was almost certainly in Calabria, and it should be noticed that the chamberlain Alexander and not Alfanus makes the returns. Count Silvester's lands were to a great extent on the borders of the principality and Calabria. Loria is perhaps Lauria south of the Sinni.

[2] δικαιω τε both here and as the designation of Robert Kletzes should probably read δικαιωτής, a term not infrequently used for judge or justiciar in Calabrian and Sicilian documents.

[3] Cf. *Cat. Bar.* p. 587, art. 607 (*de Ebulo*). *Robertus de Cles* may possibly be identified with *Robert Kletzes*. If this is correct he must have held land in Calabria besides the 46 poor villeins in the principality of Salerno at Eboli which are here mentioned.

[4] *Montis Caveoli* should read *Montis Caveosi*.

+ Ραος υιος Ρουβερτου μαρτυρω κυρω.
+ Signum manus Ugonis de Tursia.
+ βιβιανος στρατηγος μαρτυρω και κυρω.
+ Αλεξανδρος Κυτζινος μαρτυρω και κυρω.[1]

17. 1144, Nov. 21. Ind. viii. Tuesday. Trivento and Agnone. Gattola *Hist.* i. 246–7, from Arch. Monte Cassino, Caps. 102, No. 2. Cit. Haskins, p. 643, n. 113.

The document could not be found in the archive of Monte Cassino June 1906, but Professor Haskins saw it in May 1909 and July 1910. He considers it an early copy rather than an original, and notes that there are no witnesses. By his kindness, I am able to quote certain readings which differ from the version given in Gattola.

Record of a suit at Trivento drawn up by brother Machabeus a monk of Monte Cassino and provost of the monastery of S. Peter de Avellana concerning the half of the church of S. Mark in Agnone, the possession of which he disputed with Maynerius of Palena and Matthew of Pettorano. *Unde coram comite, et justitiario Ug. de Molisi, et Barones Marmons, et Julianum de castro Piniani, et Maynerium de Palene, et Mathæum de Pectoranu*[2] *et aliis multis hominibus sic fuit causa finita*: and after a complaint had been lodged in the presence of Robert bishop-elect of Trivento and some of the canons *fuit ita judicatum ei per curiam*[3] *domini regis,*[4] *et nos recepimus medietatem ipsius ecclesiae S. Marci . . . . . in nostris manibus, et per investituram curiæ*, the rights and portion of the bishop being in all things secured. Then Hugh of Molise verbally ordered *ut ipse Maynerius sic nobis pro S. Petro conservaret medietatem ecclesiæ S. Marci, et redderet sicut continet carta Gualterii filii Burrelli, qui hanc dederat S. Nicolao, et ita factum est.* Later the provost returned to the castle of Agnone with Roger Archygeronta of Agnone who had been with him to Trivento and on Nov. 24, Friday, Maynerius and Matthew *ex præcepto & judicio regalis curiæ & comitis Ug.* restored to us the half of the church in the presence of many knights, a judge and the *boni homines*

[1] Cf. Crudo, p. 256, An. 1178, where among the witnesses to a document mentioning *Osbernus Coezinus Regis Justitiarius Calabrie et Vallis Gratis* is *Alexander Coezinus.* In the version of the document given in Cod. Vat. Lat. 8222, f. 59, the name reads *Coczinus.* Perhaps this Alexander is identical with the chamberlain Alexander. Cf. *supra*, p. 300, n. 3. *Godinus* royal chamberlain. [2] *Pertoranu.* Haskins. [3] *Cartam.* Haskins.

[4] A word seems to be omitted in the document after *regis.* Haskins.

and William f. Burrelli. Next, at the request of Matthew, Maynerius, and William, and the other knights, the provost granted the church *ad ipsos pro anima Burrelli filii Gualterii and pro animabus ipsorummet de ipso foris facto.* In return they promised that they and their heirs would always defend the monastery of S. Peter as far as possible. Subsequently Roger Archygeronta of Agnone was invested with the half of the church which belonged to the provost and swore fealty to the monastery of S. Peter.

ab inc. d. n. J. C. an. sunt mill. cent. quad. quarto[1] *ind. oct. concurrent. vi. epacta xxv. xi. Kal. Dec. die iii. Feria quae dicitur Martis.*

18. 1145, March. Ind. viii. T.R.R. Fifteenth year of his reign in duchy of Amalfi. Ravello. Camera: *Memorie.* i. 342. Cit. Haskins, p. 659.

Record of a dispute between John son of Urso de lu Pendulo and John Presbiter son of Maurus Carissus, the provost and rector of the church of Saint Andrew in Ravello, concerning a piece of land. John de lu Pendulo had recourse to king Roger at Palermo and complained that the rector had seized a piece of land belonging to him. In support of his contention he produced a charter which duke Roger son of duke Robert had granted to his father Ursus, imposing a penalty of four pounds of pure gold on anyone who should disturb his possession of a certain piece of land, which he had brought from Maurus bonus annus, near the church of Saint Andrew. King Roger sent a letter to Constantine Mutelione strategotus of the whole duchy of Amalfi, ordering him to make the rector pay the four pounds, if the assertion of John de lu Pendulo was true. Constantine thereupon seized the priest and all his moveables and those of the church of Saint Andrew. When, however, *dominus Atenulfus regalis camerarius* came to Amalfi, and the case was pleaded in his presence, the parties at length came to an agreement and the rector paid fourteen ounces of Sicilian money, while the moveables which Constantine Mutelione had unjustly seized were restored to him. Further the chamberlain ordered John son of Maurus de Berosara strategotus of Ravello to give surety on the part of the king to the rector that neither he nor his successors should again suffer injury on account of the said piece of land.

[1] Quadrag̃ iiii.^{or} Haskins.

Signatures:

+ *Leo judex filius domini iohannis de la camera testis est.*

+ *Leo judex mansonis mirandi filius testis est.*

+ *Ego sergius iudex et scriba filius constantini mutelionis scripsi.*

temp. d. Rog. r. Sic. ap. duc. cap. princ. quinto dec. an. regni. eius duc. amalfi m. martio. ind. oct. Rabelli.

19. 1146, Jan. Ind. ix. Sixteenth of King Roger. Barletta. *Pergamene di Barletta*, No. 53, p. 73.

By the kindness of the Prior RR.P. Don A. Amelli I was able to make extracts from the forthcoming edition of the *Pergamene di Barletta* preserved at Monte Cassino. The edition is already in type, but not yet published. Extr. Haskins, p. 644, n. 115.

Sale of vineyards with all the formalities of Lombard Law by Alfanus Presbiter and Pamphilia his mother, citizens of Barletta, to Julian Parmentarius, their fellow citizen, *presentibus Sansone regali iustitiario et Petro de Salmuro regio catapano eiusdem civitatis necnon Bisantio ac Cadelaito iudicibus aliisque viris idoneis subnotatis testibus.*

Signatures:

Petrus de Salmuro regius catapanus Bisantius, judex and four others.

D. n. Iesu Ch. ab gl. inc. an. mill. cent. quad. sexto. m. jan. ind. nona. regni. v. d. n. R. reg. mag. an. sexto decimo.

20. 1146, Feb. Ind. ix. Sixteenth of King Roger. Salerno. Archives of Cava. Arca xxv. No. 117. Original. Unedited. *Appendix* No. 3. Cit. Haskins, p. 659.

Judgment pronounced by John and John, judges of Salerno, in the presence of Atenulf the royal chamberlain,[1] Sergius, strategotus of Salerno, and the *idonei homines*, sitting in the sacred palace at Salerno, between Peter, the provost of the church of S. Mary *de Domno* in Salerno, which belonged to the monastery of the Holy Trinity at Cava, and Ursus, a monk of the monastery of S. Mary and S. Benedict in Salerno, acting for the abbot John. Peter and Ursus desired that a term should be put to their dispute concerning a piece of arable land with some oak trees, situated outside the city of Salerno beyond the river Picentino in a place

[1] Haskins identifies this chamberlain with the justiciar Adenulf of Caserta, but there seems to be no evidence for the identification. Cf. *supra*, p. 391, for the history of Atenulf the chamberlain.

called Bespanicum. For this purpose Marinus the treasurer and certain brethren of the Holy Trinity were present. Before, however, the question of the ownership of the land was discussed, the provost demanded that possession should be restored to his church, for he said that the monastery of S. Benedict had seized it. This, he maintained, was done unjustly, because his church had held the land for a long time previous to this ejection, and he had witnesses to prove the point. Urso, on behalf of S. Benedict, denied the justice of this demand, since he said that the monastery had not seized the land, as it had never been in the possession of the church, but always in that of the monastery. On being asked by the judge whether he could produce witnesses, he replied in the negative. The provost, on the other hand, in reply to the same question, there and then produced three witnesses, John, priest of S. Mark, Hugh, and Matthew. These the judges summoned and examined separately *ut moris est.* Their testimony agreed with that of the provost. The judges therefore ordered them to confirm it with an oath on the gospels, while the provost was required to do the same *per interpositam personam per sacramentum ad ipsa evangelia.* Further Urso, by other witnesses and *sacramentales*, by order of the court *ipsum sacramentum remisit.* Whereupon the judges ordered possession of the land to be restored to the church. For the further question of the ownership of the land, the end of the month of August was fixed as the limit of time for carrying on the litigation on this matter. Until the completion of the suit, the church was to remain in possession.

Written by *Salernus notarius et advocatus.*

Signatures:

Johannes Judex and *Johannes Judex.*

An. ab. Inc. ej. mill. cent. quad. quinto et sexto dec. an. regni d. n. R. Sic. et It. gl. regis Men. Feb. Ind. nona.

21. 1146, Oct. Ind. x. Sixteenth of King Roger. Archives of Cava. Arca xxvi. No. 61. Original. Unedited.

In the presence of John and Peter, judges, Marinus, abbot of the Holy Trinity of Cava, gives the church of S. Andrew, near the castle of Auletta, to '*johannes clericus et subdiaconus hujus salernitani archiepiscopii et atenolfus suprascripti domini nostri regis camerarius consobrinus frater ejus.*

1146. Sixteenth of King Roger. m. Oct. Ind. 10.

22. 1147, March 30. Gattola, *Hist.* i. 395, from the Register of Petrus Diaconus, f. 259, No. 638, in the Archives of Monte Cassino. Cit. Haskins, p. 660, n. 231.

Abbot Raynald de Columente of Monte Cassino narrates how he went before duke Roger, son of king Roger, and complained *quod quidam Johannes de boczo*[1] *quasdam terras de quodam Casale Castellionis nomine, q. pertinet monasterio S. Benedicti montis Casini laboraret, & nihil exinde par. suprascripti monasterii redderet*, and that certain lands in the same village which John had bought he retained as his own and paid nothing from them to the monastery. John, by command of duke Roger *per pilleum q. in manu tenebat*, promised to give to the monastery and the abbot a tithe from all the lands which he had there.

There were present: *Dn̄us. Rog. Electus Panormitanus, Electus Trojanus, Henricus de Olgia*,[2] *Giffredus de Rodano, Marmonte, Berardus S. Rufinæ, Wilielmus de Bantra, Landenulfus de Mortula*; also *Mazulinus*, the judge and advocate of the abbot, and *Roffrid*, judge of Benevento.

An. dom. n. J. C. MCXLVII. *M. Martio trigesima die ipsius mensis.*

23. 1147, July. Ind. x. Reign of King Roger. Siponto. St. Arch. Nap. Perg. Mon. Soppressi, vol. i. No. 45. Original. Unedited.

Sale by Episcopus, knight, son of the late Grimo, of the city of Siponto, to Adenulf, clerk of the church of S. Leonard, *in lama volari*, containing the incidental mention of Bonesmirus, royal chamberlain: *tibi domino Adenolfo . . . tecum astante atque recipiente Ursone zito filio Bonesmiri militis ac regii camerarii tuo advocato per fustem tradendo voluntarie vendo . . .*

Written by *Gaderisius Notarius.*

1147, m. Julij. Ind. x. Reign of King Roger.

24. 1147, Aug 19. Ind. x. Camera, *Memorie* i. 338.

Record issued by *Guaimarius straticotus*, who *sub domina nostra Marocta olim domini Ugoni regalis Camerarij coniuge et domina Licterensis, justitiam ministrat*, on the occasion of a dispute between Pardus, abbot of S.S. Chirico and Giulitta in Atrano, and Sica, daughter of John de Leone de

[1] Cf. *Cal.* Nos. 37, 45. [2] Cf. Nos. 10, 11, 15, 27, 34.

lu presbiter and wife of Leo, son of John Rapicani, concerning a vineyard situated in Casola, belonging to the castle of Lettere.

An. 1147 die 19 mensis augusti Indict. decima.

25. 1147. S. Chirico. St. Arch. Nap. *Rerum in Rev. Curia Regii Capellani majoris judicatarum Tomus Primus ab an. 1774 ad an. 1786.* Neap. ex Regia Typ. 1787.
Appendix No. 4. Cf. Caspar, *Reg.* No. 213.

Summary of a suit of 1147 concerning the rights of Clement, abbot of the monastery of S. Angelo of Raparo, at Castro Saraceni. King Roger dispatched a mandate to the justiciars that they should inquire into the matters in dispute. They held a court at S. Chirico, and interrogated the abbot, the neighbouring barons, bishops, and knights, and Samson, son of Manghisius, and examined a charter of a grant which the abbot produced. As a result they decided that the church had dominion of the village in question, and their sentence was confirmed by Roger.

These are probably the justiciars of the Val Sinni and Val Laino, Gibel of Lauria and Robert Kletzes, in *Cal.* No. 16.

26. 1148, Ap. 22. Ind. xi. Pescara. Archives of Monte Cassino, caps. 120, fasc. 10A, No. 114 (1). Original A. Codex. Dipl. Cass. Tom. IV. MS. two copies, B, C. Published Gattola, *Hist.* i. 198 § 2. P. evidently based on copy B. B.C.P. are full of errors: hence republished *in extenso* in *Appendix* No. 5.

Extr. N. Palma: *Storia Ecclesiastica e Civile della Regione più Settentrionale del Regno di Napoli*, Teramo, 1832, i. 157: Romanelli: *Scoverte Patrie di Città Distrutte, e di Altre Antichità nella Regione Frentana oggi Appruzzo Citeriore*, Nap. 1805. i. 65. Cit. Chalandon ii, p. 678: Haskins, p. 644, n. 116: Mayer ii, p. 405, n. 1, p. 407.

Record of a suit between the abbot of Monte Cassino and the bishop of Aprutium, drawn up by command of the royal justiciars, count Boamund, Oderisius of Pagliara, count Robert of Aprutium and Richard Turgisio. In the presence of the justiciars and of the bishops Benedict of Marsi, Siginulf of Valva, and Peter of Alife, and Geoffrey, bishop-elect of Chieti, the bishop of Aprutium lodged a complaint that the abbot of Monte Cassino had dispossessed him of the monastery of S. Nicholas of

Trontino of which he said that he had been in possession for more than thirty years in the name of the church committed to him. He offered to prove this by witnesses who should suffice according to the judgment of the court, and by other means. The abbot replied to this that the statement of the bishop was contrary to right and reason because Monte Cassino had been in possession of the monastery of S. Nicholas for more than a hundred years. He added that he had witnesses and means of proof, written and unwritten. The justiciars committed the decision of the case to the bishops of Valva, Marsi and Alife, the bishop-elect of Chieti, count Berard of Chieti, and many others, clerk and lay: after much consultation, these reported that it would be a long business and that both parties would be wearied by adducing proofs by witnesses and oaths concerning possession, when all the while it was rather a question of ownership. Therefore the court decided that the abbot should be sequestrated from the possession of the monastery and that it should be lodged in the hands of the justiciars, as if in sequestration, on the condition that if the present court should pronounce a final sentence, possession should be granted to the party in whose favour the judgment was given. This course, however, would not be pursued, if the case were reserved for the audience of the King.

The bishop adduced in the first place that the monastery of S. Nicholas was built in his diocese, and so could not have been subjected to any external jurisdiction without the consent of himself or his predecessors, and secondly that the possession of the monastery in question was confirmed by the privileges of the Roman Pontiffs, *e.g.* Paschal, Honorius, Calixtus and Lucius, which were produced and read, while there had formerly existed others, now lost through pillage. The abbot on the other hand produced, first the charter by which the founder of S. Nicholas gave it to Monte Cassino, and secondly, a charter by which Peter, a former bishop of Aprutium, granted a farm belonging to his patrimony to S. Nicholas, and incidentally mentioned that S. Nicholas was in the obedience of Monte Cassino. He also displayed privileges of the Roman Pontiffs not only of Calixtus and the others quoted above, but also very many more ancient, to the same effect. The bishops of Valva and Marsi, and the rest, clerk and lay, associated with them, pronounced a final sentence in favour of the abbot and imposed a perpetual silence on the bishop and his successors. The justiciars in accordance with this

judgment invested the abbot of Monte Cassino *de proprietate et possessione supradicti monasterii.*

Written by Pandulf, notary of the Chancellor.

Signatures:

Sicenolf, Bishop of Valva, Geoffrey, Bishop-elect of Chieti, *Tustanus quondam Magister*, Albertus, Judge of Farfa, *Magister Rogerius Canusine Melfiensis ecclesie canonicus*, Count Rabo of Penne, Robert, Count of Aprutium, *d. r. justitiarius*, Oderisius of Pagliara *d. r. justitiarius*, Count Berard of Chieti.

Actum an. ab. inc. dni. MC. XLVIII. *m. aprilis die* xxij. *Ind.* xi. *apud Piscariam feliciter Amen.*

27. 1148, Oct., Ind. xii. Reign of King Roger. Dragonara. St. Arch. Nap. Perg. Mon. Soppressi, vol. i. 1131–1157, No. 53, Original A. Unedited. *Appendix*, No. 6. Extr. Haskins, p. 644, n. 123 as No. 60.

Record of a final judgment pronounced by William, judge of Dragonara, and Deletterius, judge of Fiorentino, in the presence and by the command of the royal justiciars, Henry of Ollia and Boamund Britton, who were holding a court at Dragonara, in favour of John, prior of S. Leonard, between Siponto and Candelario (*in lama volari*), against Campus, bishop of Dragonara. The bishop had disturbed the monastery in the possession of certain lands granted to it by William count of Loritello. The prior and his whole chapter offered to prove their cause by producing instruments and competent witnesses, while the bishop was able to adduce no proofs in favour of his contention. In order to prevent further litigation, the judges ordered the boundaries to be certified.

Written by John, notary of Dragonara.

Signatures:

Guilielmus Judex, Deletherius Judex, Arrabitus Florentini, Plancardus, Simeon, Leo Ugonis Florentini, Landulfus, Manasses, Riccardus Porcicii, Guarinus, Lupus de Spanio, Sabinus, Rottardus Plantaliani, Abibonus Plantiliani, Bonomus Plantiliani, Scikelmannus, Johannes de Corello.

An. dominice Inc. Mill. Cent. quad. nono M. Oct. Ind. duodec. regnante d. n. Rog. invict. r.

28. 1148, November. Ind. xii. Reign of king Roger. Aquino: curia in palacio Aquinensis episcopi. Archives of Monte Cassino. Codex 640. Privilegia et Diplomata pro Monasterio S. Matthæi Servorum Dei. Twelfth century cartulary. Cod. Dipl. Cass. tom iv. MS. copy. Unedited. *Appendix*, No. 7. Cit. Haskins, p. 644 n. 117.

Record drawn up by Maccabeus judge of Aquino of a judgment pronounced by Atenulf of Caserta and Hector of Atina royal justiciars, in the court which they were holding in the palace of the bishop Guarin of Aquino, who was himself present. Adenulf abbot of S. Matthew through his advocate Robert son of Franco lodged a complaint that the lord Pandulf of Aquino had unjustly molested certain men of the monastery, John and Adoyn the sons of Benedict Johannis Coni, and had seized their goods, because they had refused to do him service.

The justiciars ordered the production of proofs by the monastery. The advocate thereupon produced a charter drawn up in the time of prince Jordan, by which the parents of John and Adoyn granted their lands, vineyards, and houses to the monastery. The justiciars being convinced of the justice of the cause, confirmed the monastery in its rights over these men and the land.

Written by *Aquinus Notarius.*

Signatures:

Adenulfus Casertanus, Ector Atine, Machabeus judex.

An. Inc. ej. Mill. C. quad. oct. M. Nov. Ind. duodec. r. d. n. R. gl. reg. Sic. duc. Ap. et Pr. Cap.

29. 1149, May. Ind. xii. T.R.R. Fifth year of the Principate of William. Maddaloni. Peregrini (C.) *Historia Principum Langobardorum* in Muratori R.I.SS. ii. pars i. p. 316. *Libellus Dilati judicii, sive notitia judicati*, from the Register of S. Angelo in Formis preserved at Monte Cassino. An edition of the register has been printed at Monte Cassino, but not published. Cit. Gregorio, *Considerazioni.* Op. scelte, ed. 3. p. 151. n. 1: Haskins, p. 659, n. 212.

Record of a suit between Peter Girardi[1] of Maddaloni and John of Sessa, provost of the monastery of S. Angelo in Formis, concerning a piece

[1] Cf. *Cat. Bar.* p. 595, art. 872.

of land. The case was begun in the court of the castle of Maddaloni, in the presence of Richard and Leo judges, and John Frater chamberlain of the prince of Capua. The advocate of the monastery complained that Peter Girardi retained unjustly and by force a piece of land belonging to the monastery: a long dispute followed as to the site of the land in question. Peter, supported by Hugh de Solerio his lord, *qui eum ex parte publica dominabatur*, offered to meet the contentions of the monastery by an oath, but the judges objected that such a course would not settle the *litem proprietatis*. Peter thereupon asserted that he possessed the land *suo nomine*, while the monastery replied that it held it *ad suam proprietatem* and could prove the matter by witnesses. The judges and the four witnesses then repaired to the land and each witness, separately interrogated, affirmed that he knew the monastery held the land *ad suam proprietatem* and offered to confirm his statement by an oath. On returning to the court, the monastery produced two instruments: one of 1108—a grant by the monastery to Lando Girardi, grandfather of Peter, of the said land to hold and cultivate for 29 years at a rent, and another of 1117, by which Lando offered himself and Roger de Miglia as guarantors of a pledge that he would fulfil the obligations set out in the first charter on a penalty of 100 gold tarins of Amalfi. Peter asked for time to prepare his arguments and obtained a delay of eight days. Before the appointed day came, Ebulus the royal chamberlain heard of the matter and ordered it to be brought before him in Capua in the presence of the barons, judges, and *probi homines* of Capua. Peter now urged *per se et per jam dictum Ugonem de Solerio* his lord, that his grandfather, his father, and himself had possessed the land for forty years, asserting that prince Richard had granted it to his grandfather Lando, and that he had fulfilled the service of one serjeant due from it to the *curia*. He produced witnesses who testified one by one that Lando and his heirs possessed the land for forty years doing service for it, but also paying rent to the monastery. Thus it appeared plainly that Peter only held of the monastery. The judges of Maddaloni and Capua being ordered to pronounce a sentence, declared after consultation with barons and *viris idoneis*, that now and always the land belonged to the monastery without any rights on the part of Peter. They added that the service of the *curia* was to stand as before, and Philip the notary was ordered to draw up a record, to which the signatures of four judges and eleven others were appended.

An. ab. Inc. ej. mill. cent. quad. nono. Temp. D. n. Rog. D. g. magnif. Reg; & quinto an. Principatus D. Guil. filii ejus gl. Princ. mense Madio. Indict. xii.

30. 1149, Dec. Ind. xiii. Nineteenth of King Roger. Pontecorvo. Gattola: *Access.* i. 256–7.

Orig. in Arch. Monte Cassino.

Privilege of Richard of Aquila, count of Avellino, for Monte Cassino: among the witnesses is Ebulus of Magliano.

+*Ego Richardus Dei gratia Comes*
+*Ego Evulus de Maliano*
+*Ego Anneo de Rivo matrice*
+*Ego Raynaldus Judex*

Ab. Inc. ejusd. D. n. an. mill. cent. quad. nono, quam et nono dec. an. d. Rog. Mag. r. men. Dec. tercia dec. ind.

31. 1151, May. Ind. xiv. Curia monasterii S. Marie de Bolfannana. Archives of Cava. Arca xxvii. No. 117. Original. Unedited. *Appendix* No. 8.

Guimund of Montilari royal justiciar and Roger royal judge of Troia narrate a concord concluded in their presence while they were sitting to administer justice with the barons, knights, and other '*probi homines*,' in the court of S. Mary of Bolfannana, between Marinus abbot of the Holy Trinity at Cava, and Peter abbot of S. Mary. John the treasurer, John the chaplain, Roger prior of S. James, and Marius prior of Fabrica, representing abbot Marinus, lodged a complaint against the abbot Peter, saying that he had entered the land belonging to the monastery of the Holy Trinity, and had built there the *capud* of a certain mill belonging to the church of S. Mary. In support of their claims they produced two privileges—one of duke Roger and another of king Roger, whereupon abbot Peter preferred not to let the matter come *ad placitum et strictum jus*, but entirely withdrew his claim. There were present two royal barons, Rao de Rocca[1] and John de Boccio,[2] John Presbyter judge of Foggia, Nicholas of Andrew judge of Foggia, William *Avēn*, and Raymund castellan of Troia.

An. MCLI. *M. madii quarta dec. ind.*

[1] Cf. *Cal.* No. 45. [2] Cf. *Cal.* Nos. 22, 37, 45.

32. 1151, Oct. Ind. xv. Twenty-first of King Roger and first of King William. Salerno. Archbishop's Archives, Salerno. Arca ii. No. 86. Original A. *Appendix* No. 9.

Ed. Muratori: *Antiquitates Italicae Medii Ævi*, Milan, 1741, v. col. 317. Incorrectly transcribed in many places and attributed to the Archives of Cava. M. G. Cappelletti: *Le Chiese d'Italia*, Venice. 1866, xx. 300, copies Muratori, with some further inaccuracies. Cit. Paesano, ii. 130. Haskins, p. 644 and 649. Mayer ii. p. 405, n. 1.

B. 111[a].

Caspar, *Reg.* No. 224, and p. 312, n. 3.

Suit between William, archbishop of Salerno, and Landolf f. Ademari, the count, concerning the rights of the latter over the churches of S. Peter, S. Lawrence, and S. Martin, and their priests in the neighbourhood of Nocera.

Peter protojudex of Salerno, and the judges John, Alfanus, Peter, and Salernus narrate how at a court held by the justiciars Lampus of Fasanella, Florius of Camerota (and apparently Guamarius Sarracenus), and the royal chamberlain Alfanus, the archbishop appeared before them and recited a plea held in the previous year in the palace of Terracina during the king's stay there, in the presence of *Costa buccafurno et gualterio de misiano et suprascriptis lampo et florio Justiciariis.* The rights of Landolf were limited to receiving from the priests candles at certain times and a gift at Christmas and Easter, and they were obliged to say mass for him whenever he wished to hear it. In spite of this judgment Landolf had again entered the land of the churches and had ordered his servants to gather the grapes so as to satisfy his claim to receive altar dues from the priests. The present court, having considered the matter, upheld the previous judgment, and ordered Landolf to restore the churches and vineyards to the archbishop, and to leave him in peace. The claim to altar dues was denied again, and the candles and gifts at Christmas and Easter only were allowed. In case of a further breach of the judgment, the fine which the king had ordained in such cases was imposed. In obedience to Lampus and Florius, the judges ordered Landulf the notary to draw up a record.

Signatures of the judges.

An. ab inc. ejus mill. cent. quinquagesimo primo et vic. primo an. Regni

d. n. Rog. Sic. et yt. glorios. Regis et primo an. Regni d. Guil. Regis kar. ejus filius. M. oct. quintadec. Ind.

For notes on the justiciars cf. chap. iv. (1).

33. 1152. Trinchera: *Syllabus*, No. cxlviii. pp. 195–6.
Ex originali membrana Archivi Cavensis, No. 53.

Ascettin called Armus sells, for 10 tarins of Salerno, to Urso f. Pagani of Pertosa land situated in a place called Monte Pardi.

After the date and the witnesses the document ends: *Ἐν τοῖς καιροῖς του κρατεωτάτου αυθεντι, ημῶν, ρῖξ ρογερίου, καὶ ὁ υιος αὐτοῦ ρῖξ γουλιέλμου και καμυηριλλιγου ο κυρ ἀλφανος καστελλου μάρης καὶ στρατιγὸς δὲ ὁλεττας ιωαννης τῆς ὠρτης ο υιος βιταλη κρητης.*

Date *Ἐν ἔτει ,ςχξ′ ινδικτιωνι ιδ′.*

6660 ind. xiv = 1152 ind. xiv: there is an error either in the year or the indiction, for 1152 = ind. xv.

King Roger and king William are both mentioned, hence the document must have been drawn up after April 8, 1151, ind. xiv., when William was crowned joint king.

34. 1153, July. Ind. i. Twenty-third of King Roger and third (second) of King William. Vieste. Bibl. Naz. Nap. Cartario di S. Maria di Tremiti, xiv. A. 30. manoscritti f. 29 verso and 30 recto. B. Unedited. *Appendix* No. 10.

A second copy of the Cartario exists in the Bibl. Naz. Nap. xiv. A. 27 of the sixteenth century.

A third copy is in the Vatican MS. Lat. 10657. f. 68.

Cf. J. Gay, *Le Monastère de Tremiti au XI^e Siècle d'après un Cartulaire Inédit.* in *Mélanges d'Archéologie et d'Histoire*, Paris and Rome, xvii. année 1897. Extr. Haskins, p. 644, n. 124.

Martin of Avalerio narrates a concord concluded by him with Romanus abbot of S. Mary of Tremiti. By royal command it took place at Vieste in the presence of Henry of Ollia[1] and Boamund Britton, the royal justiciars; Richard of Ollia; Gentile of Cagnano; William of Gradunzone; Jonathan

[1] For further notices of Henry of Ollia, cf. *Cat. Bar.* p. 581, art. 383; St. Arch. Nap. Perg. Mon. Sopp. i. No. 38. 1145, 18th year of king Roger. July. Ind. VIII. a grant by Adenolf, warden of S. Peter near Vico, made with the permission of Henry of Ollia, and the prior and brethren of S. Leonard *in lama volari* to Actus Markesanus; written by Bartholomew notary *domini Henricī de Ollia* in the Castle of Vico.

of Ischitella; Hubert of Calvello the constable; Sindolf, Alfanus and Peter, judges of Vieste and other *boni homines*. Under this agreement he delivers to the abbot and his advocates the church of S. Andrew in Saccione, together with the tithes and mortuary dues of the inhabitants, three vineyards and a garden with olive yards and as much land as three yoke of oxen can plough: also waste land to the extent of the third part of the precincts (*castellarium*) around the church, and a third part of the lands exclusive of the vineyards, gardens, and buildings of the men. Further he agrees to accompany the abbot and his successors to Rome or Benevento at the charges of the monastery and on condition that the loss of his riding-horses is to be made good if they die while on the service of the monastery. For the remaining two-thirds of the *castellarium* he swears fealty to the abbot, saving his fealty to king William and king Roger. Henry of Ollia, Hubert of Calvello and Gentile of Cagnano are appointed sureties.

Written by Sindolfus notarius.

Signatures:

Sindolfus Censor, Alfanus Censor, Peter Judex, Boamund Briton *regalis justitiarius*, Jonathan lord of Ischitella.

Ab inc. Jhesu X^i. MCLIII. *et vicesimo tertio an. regnante d. Rog. mag. r. scic. duc. ap. et princ. cap. An. vero d. Guil. eiusdem gr. gl. r. cum eodem d. et patre suo regnantis sec. m. julii ind. prima.*

N.B.—1153, July, ind. 1, 23rd of king Roger = 3rd not 2nd of king William.

35. T. R. R. Sessa. Muratori R. I. SS. ii. pars 1. p. 317–8. Caspar *Reg.* No. 225. (From the register of S. Angelo in Formis at Monte Cassino)

Record of a suit between the citizens of Sessa and Teano which took place at Maddaloni, June 1171, Ind. iv. in the presence of count Robert of Caserta, *Magister Comestabilis et Justitiarius Apuliae et Terrae Laboris.*

In the course of the suit reference is made to a grant which king Roger *praesente Evulo de Mallano, in Palatio castri Suessae stans ad fenestram ordinavit, concessit, et donavit Suessanis, ut à partibus Roccae Monfini, & ab eis pertinentiis aquae caperent Suessani, et ad civitatem suam aquam ducerent; & praecepit Evulo de Mallano, ut illud eis assignaret.*

36. T. R. R., and Time of Simon Seneschal. *ibid.*

Reference is also made to a dispute between the same parties before Simon Seneschal, when *Evulus de Mallano* and *Anneus de Rivomatritio* testified that king Roger had granted the water to the citizens of Sessa.

37. T. R. R., Troia, and in the presence of the abbot of Monte Cassino. Archives of Monte Cassino. Ex chartis Civ. Troje. Caps. cxvi. Fasc. i. Num I. Original A. Unedited. *Appendix* No. 11.

MSS. copies: (1) enclosed with the original. B; (2) Stefanelli: Memorie storiche intorno alla città di Troja in Capitanata, vol. ii. Documenti. Soc. Nap. di storia patria, *MS.* C.

Concord between John de Boccio of Troia and Rainald, abbot of Monte Cassino, drawn up by John de Boccio. He narrates that the abbot maintained that he held wrongfully certain lands belonging to the monastery. Before instituting a suit, the abbot had lodged a complaint before the king, who dispatched letters to the justiciars and ordered them to hear the contentions of both parties and do justice to the church. The justiciars, in fulfilment of the mandate, sent letters to the abbot requesting him to send certain of the brethren to Troia, if he himself did not wish to appear. The representatives of the abbot duly appeared before the court held by the count of Civitate and the justiciar Guimund of Montilari, and produced in support of the allegations of the monastery a donation of duke Roger and confirmations of duke William and of king Roger, granted when he was only duke. After much argument John de Boccio asked the opposing party to agree to a concord, and in this the count and the justiciar supported him. The representatives of the monastery agreed, but maintained that certain articles in the concord demanded more than they were empowered to concede. John therefore presented himself before the abbot and the following agreement was concluded:

(1) That John de Boccio should pay tithes of all the lands and vineyards cultivated by himself or on his behalf by others, in the territory of Castiglione.

(2) That he and his sons, in addition to the tithe, should pay a third of everything, for the souls of his wife, his sons, and his ancestors.

(3) That all the men of himself and his sons in Castiglione should pay tithes of all the lands and vineyards which they cultivated, and mortuary dues and other customary offerings to the church and tolls (*plateaticum*),

and that they should do homage to the church and the abbot just as the other men of the church did, their rights of trade and marriage with the men of Castiglione being safeguarded.

(4) That John himself and his sons should swear fealty to the abbot, if the king permit, while his rights of trading with the men of Castiglione were confirmed.

(5) That his men should share with the men of the monastery in the performance of the king's service, in proportion to their numbers, and in providing the service of one knight due to the king, for which, however, the abbot should make himself responsible.

(6) That in case the amount of service due should be reduced or altogether remitted, John and the abbot should benefit equally from the concession.

38. T. R. R. St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 127 bis. Original A. *Appendix* No. 15.

Verification of the boundaries of a coppice, made in June 1168, Ind. i. Second of King William [II.] from the month of May, in the presence of the judges Regitius and Manasses at the request of Blasius Sacerdos, appearing on behalf of Peter of Revello. In support of the request he produced an instrument describing *quomodo preteritis annis Guillielmus filius angerii qui tunc temporis camerarius erat domini nostri gloriosissimi regis Roggerii* had assigned the boundaries of the coppice, which had been granted to Peter by king Roger as a reward for services rendered. In addition to the instrument three witnesses, John Portaurie, John Constantini, and John de Landulfo Rotunde, were produced. One by one they declared and perambulated the boundaries in the presence of the judges and their testimony agreed with the instrument.

Written by Adenulfus notarius.

Signatures: Regitius Judex. Manasses Judex.

39. 1154, October. Ind. iii. Fourth (Fifth) of King William. Barletta: in regali curia. Archives of Monte Cassino. *Pergamene di Barletta.* No. 73 p. 93. Cf. *Cal.* No. 19. Cit. Haskins, p. 644, n. 120, as No. 75.

Deferred judgment pronounced "*Dum ego Petracca barolitanus iudex residerens in regali curia eiusdem civitatis Robberto senescalco regis*

iustitiario et Leone regio catapano eiusdem civitatis mecum considentibus aliisque viris idoneis subnotatis testibus. Gabrihel camerarius advocatus monasterii sancte Trinitatis de Monte Sacro f. Laurenti Beneventane curie advocati pro parte ipsius monasterii agens postulavit ab eodem iustitiario placitum eiusdem monasterii finiri quod aput Barensem regalem curiam coram ipso nostro et barensibus iudicibus inceptum fuerat contra Leontium f. Ursonis melfictensem civem. scilicet quod idem advocatus pro parte ipsius monasterii appellasset eundem Leontinum malo ordine detinere res stabiles prefate ecclesie Melfictensis arbores olivarum prope locum dictum Granum in pertinentiis civitatis Melficte quas Senatulus et Saracenopulus fratres f. Amati in testamentis suis ordinaverant ipsi monasterio. The advocate went on to assert that it had been shown in the previous court at Bari before the judges of Bari and the justiciar now present that these brothers had left to the monastery certain property which Leontius as *epitropus* of Senatulus should have handed over to it. On the same occasion, he said, Leontius had replied that he held and possessed the *hereditas* in virtue of an exchange made with the monastery. The advocate had denied this statement and the court had ordered Leontius to prove it if he could: he had bound himself by sureties to produce legal written proof. After this statement of the case, the justiciar *ex parte regia* ordered the judge Petracca to decide the case. Petracca thereupon demanded and received from Leontius confirmation of the truth of the advocate's statement. Leontius, however, said that he could not immediately bring forward the written proof. The judge thereupon *consilio habito* ordered him to restore the *hereditas* to the monastery. He now alleged that he held the property by right of pledge for his wife's dowry and so ought not to make restitution. The judge disallowed such discrepancy in the ground of defence after and before sentence, and repeated his judgment in favour of the church. The restitution was thereupon made *per fustem* so that no doubt might remain, and Leontius gave a pledge himself in five gold regales that neither he nor his heirs would further molest the monastery.

Divini verbi incarnati an. mill. cent. quinquagesimo quinto m. oct. ind. tertia regni v°. d. n. Guillelmi invict. regis an. quinto.[1]

[1] There is an apparent discrepancy in the various elements of this date. Since the year in Apulia began with the indiction on Sept. 1, Oct. 1155, Ind. iii. = Oct. 1154, but the regnal year of William I. ought, in Oct. 1154, to be the fourth year and not the fifth, as here given, because his reign began on April 8, 1151. It appears, however, from the examination of a considerable number of documents in the *Codice Diplomatico Barese*, i. and v., that it was customary in Apulia

Quod scripsit Iohannis notarius qui interfuit.
Witnesses:
+ *Petracca iudex.*
+ *Ego Leo prefatus regius catapanus Baroli.*
Niger miles et capitaneus f. Mandonis iudicis testificatur hoc.

40. 1155, March. Ind. iii. Fourth of King William. Salerno: in palatio Terracinae. Gattola: *Access.* i. 258. B. L. Tosti: *Storia della Badia di Monte Cassino*, Naples, 1842, ii. 196. C. Archives of Monte Cassino, original A. B. 133[a].

Record of a judgment pronounced at a court held by king William with the counts and magnates of the kingdom in a suit between Rainald, abbot of Monte Cassino, and *Herbiam de Bolita*[1] *supradicti domini nostri regis justitiarium.* The abbot lodged five separate complaints.

(1) That certain villeins and lands which had been recognised by king Roger to belong to the abbey's castle of Pontecorvo were claimed by Hervey as appertaining to his castle of Rocca by a donation of Marotta, formerly lady of Pontecorvo, to W., lord of Rocca. The *curia* decided that if the abbot could prove his assertion by suitable witnesses, he and his successors should enjoy undisturbed possession. Hervey, moreover, was forbidden to challenge any of the witnesses to combat.

(2) That Hervey had not respected the boundaries between Rocca and the territory of the abbey described by Ebulus of Magliano and Marius Borellus by command of king Roger. Hervey maintained that the boundaries had been drawn unjustly. The king ordered that the delimitation then made should stand, and if Hervey could prove that it had been made unjustly, he should be heard when the court was able to attend to the matter.

(3) That Hervey exacted corn, wine, and beasts by way of rent from two churches belonging to the abbey, which king Roger had taken under his own protection and freed from all public burdens. Hervey replied that his exactions were an equivalent for protection afforded the churches, and

to reckon the regnal year like the year of the Incarnation from Sept. 1, and not from the actual date of the king's accession. This conclusion is borne out by Nos. 42, 44, 46, 47, 51, and 59 of the present *Calendar*; the evidence of No. 42 and of the last three is of special importance, because the dates of these documents do not involve any rectification of the year of the Incarnation, and yet in every case the regnal year is ahead by a single unit.

[1] Cf. *Cat. Bar.* p. 595, art. 867, p. 597, art. 933.

that the animals grazed on his land. The court adjudged that nothing was due for protection, because the whole kingdom was under the protection of the king, but that a just payment must be made by the churches for pasturage.

(4) That Hervey forbade the men of Pontecorvo to let their animals graze on the lands of certain churches belonging to the monastery, and to cut wood. Hervey answered that the defence of these churches had been granted to the lords of Rocca by the abbots of Monte Cassino. The court pronounced that if Hervey could prove his contention by instruments or witnesses, the rights of pasturage should be his, while the wood should be common to his men and the abbot's. Otherwise the lordship of the lands was to remain with the abbot.

(5) That the use of a certain wood belonging to the knights of Pontecorvo was forbidden to the knights by Hervey, whereas formerly the lords of Rocca on behalf of the knights had kept out the men of Rocca.

Hervey answered that he did this because his ancestors had done it, and because he lent his protection to those woods. The court judged that on this account he ought not to forbid the woods to the knights of Pontecorvo, *eo quod omnes defensiones totius regni domino regi pertinent, et nullum lucrum pro defensione rerum S. Benedicti ipse Herbias consequi debeat.*

Two copies of the judgment were made *per manum Roberti regalis notarii* and witnessed by *Majo Dei et regia gratia amiratus amiratorum* and *Aschettinus gloriosissimi regis W. cancellarius.*

An. Inc. dominice mill. cent. quinq. quinto m. Martio Ind. tertia. reg. vero d. W. d. g. Magnif. et gl. reg. Sic. duc. Ap. & princ. Cap. an. quarto fel. Amen.

41. 1155, March, Ind. iii. Mottola? Archives of Cava, Arca xxviii. No. 120. Original A. Unedited. *Appendix* No. 12.

Cit. Guerrieri: *Possedimenti Temporali e Spirituali dei Benedettini di Cava nelle Puglie*, Trani, 1900, p. 142, and Haskins, p. 660, n. 226.

Concord between William of Lecce, lord of Palagiano, and Campus, prior of S. Angelo of Casalrotto, concluded in the presence *domini Rogerii flandrensis Regii Justitiarii et Comestabuli* concerning certain lands at *Plano.* The motives inspiring William are justice *et quod majus est, preceptum domini Riccardi dapiferi Mutule et palaiani dominatoris in presenti consequendo. pro eadem ecclesia. de predictis terris factum.* The

boundaries are recited and a record is ordered to be made by Bonius, judge and notary of Mottola.

Signatures :

Gosmanni judicis. Accarini militis filii fulconis. Riccardi buccarelli. falconis palajani.

An. salut. inc. d. et salv. n. Jhesu X^i. Dei eterni. Mill. Cent. quinq. quinto. M. marcii Ind. tercia.

42. 1155, April 5. Ind. iii. Fourth (Fifth) of King William. Bari. *Cod. Dipl. Bar.* v. No. 112; G. B. Siragusa: *Il Regno di Guglielmo I. in Sicilia, illustrato con nuovi documenti.* Palermo 1885, pt. 1, p. 165; Cit. Luigi Volpicella: article in Il Bugiardo Nap. Anno I. N. 37. 27 luglio; Mayer ii. p. 393, n. 71, p. 405, n. 1; and Haskins p. 644, n. 120. Cf. Del Re: *Cronisti et Scrittori Sincroni Napoletani.* p. 395, n. 21; and K. A. Kehr: *Urkunden*, p. 80, n. 3.

William of Tivilla and Robert Seneschal royal justiciars narrate how they executed a sentence pronounced by Leo royal protojudex of Bari and father of the admiral Maio. Whereas Nicholas abbot of All Saints *de Cuti* had very often made complaint to the justiciars of Richard Turgisius and his wife Sivilia and of their predecessors, he now lodged a complaint because the suit which he had had with him and his predecessors concerning the church of S. Nicholas *de palearíis*, and the lands, woods, waters, and vineyards, which belonged to the monastery of All Saints near Gioja, could not be, so the abbot asserted, brought to a final conclusion. The justiciars then recited the previous occasions on which there had been a failure of justice.

(1) The abbot had not been able to obtain possession of the property in accordance with the sentence pronounced in his favour by Leo royal protojudex of Bari with the advice of the barons and knights, even when

(2) Preceptory letters were addressed to the justiciars by king Roger b.m. and king William in order that the abbot should not go on complaining of his defect of right in this business.

(3) In obedience to this mandate, the justiciars had summoned Richard Turgisius to appear *coram domino Ascetino Regio Vice Cancellario et domino Riccardo Andrie comite et domino Gilberto de Balbano Regio magistro comestabili aliisque quam pluribus baronibus et militibus apud barolum curia congregata* in order to bring the suit with the abbot to a

conclusion in a fitting manner. He, however, had asserted that he was not prepared to plead and refused on that account to acquiesce in the termination of the suit: the court then granted him a delay.

(4) At this juncture Maio, admiral of admirals, had sent orders to the justiciars that they were to deliver the property to the abbot in accordance with the sentence of his father b.m. In spite of everything, Richard allowed the time granted by the court to elapse without making any denunciation and finally

(5) When he failed to appear in answer to further letters sent to him by the justiciars by the hand of his bailiff, the justiciars proceeded to make over the property to the abbot in his absence. This was done in the presence of Melispezza royal judge of Bari, William Seneschal knight and royal baron, Guy lord of Casamassima, Geoffrey of Loseto, Judex Major of Bitonto royal constable, Peter Brisard, Aschettin knight, and Corticius knight of Bari, and the church, the lands, vineyards, woods, and waters were delivered *per fustis traditionem* to the abbot and his advocate William in accordance with the original judgment, since the abbot had proved by fit witnesses in legal form that the monastery had been in possession of the property *ante assisam domini Regis, et postea jure quieto.* The boundaries were then set down with great elaboration, and Pascal, notary of Bari, was ordered by the justiciars to draw up this record.

Signatures:

+ *Regalis qui supra barensium judex Melipeza.*
+ *Signum proprie m. d. Wilelmi de tibilla regii justiciarii qui supra.*
+ *Signum proprie m. d. Roberti Seneschalchi regii justiciarii qui supra.*
+ *Signum manus mee qui supra judex major Regalis comestabulius.*
+ *Signum proprie manus mee Goffridi lusiti.*
+ *Ego Petrus brisardus miles testis sum.*
+ *Signum sancte crucis factum manu ascitayni militis.*

An. ab Inc. Mill. Cent. Quinqua. quinto. Regni autem fel. D. G. Regis Vict. Sic. et It. an. quinto M. ap. quinto die ejusdem ind. tertia.[1]

43. 1156, Oct. 3, Ind. v. Sixth of King William. In ipso castello Trentenariae. Ughelli-Coleti *Italia Sacra* t. vii. col. 400.

Will of Robert of Trentenaria made in his castle of Trentenaria. He appointed as *distributores*, Romuald archbishop of Salerno, Celsus bishop

[1] Cf. Note to *Cal.* No. 39 on the rectification of the date.

of Pesto, Marinus abbot of Cava, and *D. Alphanum Regalem Camerarium socium ejus*,[1] also Walter Buccafollis and Guy of Campora.

An. ab inc. ejus 1156 *&* 6 *an. Regni D. n. G. Sic. & It. gl. r.* 3 *die intrante mense Oct.* 5 *Ind.*

44. 1156, Oct. 6, Ind. v. Sixth (Seventh) of King William. Castellum Precine. Bibl. Naz. Cartario di S. Maria di Tremiti, xiv. A. 30 manoscritti f. 42 *verso*, 43 *recto*. B. Unedited. *Appendix* No. 13.

The original is preserved in the Chigi Library at Rome, E. 6. 182, f. 55. A. Two further copies of the cartulary exist, cf. *Cal.* No. 34. Extr. Haskins, p. 646 n. 136.

Concord drawn up between Peter abbot of S. John *in Plano* and Berelmus abbot of Tremiti, to terminate a long dispute concerning the sluices of a mill on the River Caldule. Abbot Peter having refused to remove the *extortorium* which prevented sufficient water reaching the mill belonging to the monastery of Tremiti, the abbot of the latter lodged a complaint with Robert f. Malfridi *terre totius comitis Goffredi alesine camerario*, who summoned abbot Peter *ex parte domini regis et domini nostri Comitis Goffredi*, to appear at the appointed time in *curia domini nostri regis et comitis*. Berelmus represented that however much the water might belong to Peter at his mill, he had no right to dispossess the church of Tremiti, *sine legali judicio*, whether that church held justly or unjustly. At length the chamberlain suggested a compromise and after much consultation the two abbots and their advocates agreed in the presence of Gilbert, judge of Precina, Bartholomew judge, and the *boni homines*, that the *extortorium* should be closed by a wall, but that it should be provided with a gate one foot square.

Written by Nichodemus *in Castello precine.*

An. dominice inc. mill. cent. quinquag. vii. Ind. v. Regn. d. n. G. gl. et invict. r. Sic. Calab. ap. et princ. cap. An. vii regni ejus. M. oct. die vi. intrante.[2]

Signatures :

Petrus abbas, Judex Gilibertus, Malfridi filius Robertus, Johannes de Pantano miles.

[1] *Socium* should read *socerum* because Coligrima, wife of William of Trentenaria, is described in this same document as the daughter of Alfanus.

[2] Cf. Note to *Cal.* No. 39 on the rectification of the date.

45. 1156, Dec., Ind. v. Sixth of King William. Troia. Archives of Monte Cassino, Ex Chartis Civ. Troje Caps. 116, Fasc. i. No. ii. A.

Two MS. copies: (1) Cod. Dipl. Cass. Tom. iv.; (2) Stefanelli: Memorie storiche intorno alla Città di Troja in Capitanata vol. ii. Documenti. Soc. Nap. di storia patria No. 51 bis.

Published by B. Capasso *Sul catalogo*: App. I, p. 367. Cit. Haskins, p. 659, n. 219, Mayer, ii. p. 405, n. 2, 406, n. 5.

Robert and John de Boccio, sons of the late John de Boccio, and inhabitants of Troia, narrate the concord[1] agreed upon between their father and Rainald cardinal and abbot of Monte Cassino, after the matter had been much discussed in a royal court held at Troia by the count of Civitate and the justiciar Guimund of Montilari. After reciting the terms of the concord they proceed to say that their father was prevented by death from fulfilling it. They wish to do so *ex precepto curie domini nostri magnifici Regis W.*, and the abbot agrees to the terms formerly laid down and further grants that since Robert's son Roger has died, the agreement shall hold good towards any other son he may have, who shall survive him. If, however, he does not have any more sons the abbot promises that his daughter Lauretta shall, during her life, enjoy the same advantages, and that they shall extend to her husband if she have one.

Written by *Peter*, notary, son of the late *Petracca de randisio* in the city of Troia.

Signatures:

+ *Ego qui supra Mallanisius Regalis Judex.*[2]

+ *Ego Johannes Leporinus Regalis Judex.*[3]

+ *Hoc signum crucis proprie manus Leonis de fogia Regalis camerarii est.*[4]

+ *Haec crux proprie manus raonis de rocca est.*[5]

+ *Ego ypolitus filius landulfi interfui.*

+ *Signum crucis proprie manus robberti de amori caccisio est.*

An. ab inc. ejusdem ihesu $\chi\overline{\rho i}$ *Mill. Cent. Quinquagesima septimo. Et sexto an. regn. D. n. G. d. g. Sic. et it. r. invict. M. dec. quinta ind.*

[1] Cf. *Cal.* Nos. 22 and 37.
[2] *Ibid.* No. 51.
[3] *Ibid.* No. 51.
[4] Cf. *Cat. Bar.* p. 580, art. 343; p. 582, art. 401.
[5] Cf. *Cal.* No. 31.

46. 1157, Nov. Ind. vi. Seventh (Eighth) of King William. Barletta: in the church of S. John of the Hospital. St. Arch. Nap. Perg. di Corato, No. 37. Original A. Unedited. *Appendix*, No. 14. A faulty copy is found in the Repertorio of the Perg. di Corato under No. 36. B. Cit. Chalandon, ii. p. 686. Haskins, p. 645, n. 134, and p. 660, n. 226.

Judgment pronounced by Geoffrey of Molfetta and Jonathan of Venusio, royal judges of Barletta, sitting on royal business in the church of S. John of the Hospital in Barletta, in the presence of Bersacius, master chamberlain of all Apulia and the Terra di Lavoro, the lord Roger the Fleming and the lord Peter of Castronuovo and the other barons and judges. The men of Corato produced a royal mandate directed to Bersacius, ordering him to inquire into the complaints brought by them before the king against the barons their lords, the men asserting that their lords demanded an unaccustomed aid and forbade them to alienate property which they had acquired since the assignment of their fiefs. They admitted, however, that they were bound to pay an annual rent by the conditions under which they had received their fiefs. The chamberlain summoned all the barons of Corato to the royal court at Barletta, and the men of Corato repeated their complaint. The barons, on their side, said that they had never imposed an unreasonable aid, but that they wished to live justly and peaceably with their men in accordance with the royal decision. The chamberlain ordered the judges to terminate the suit, and after consultation with Roger the Fleming, Peter of Castronuovo, and the other barons, they decided that the men of Corato were bound to pay an annual rent, but that they ought not to give an aid. They had, moreover, the right of alienating freely possessions acquired since the assignment of their fiefs.

Written by Costa, the royal notary.

Signatures:

+ *Gosfridus qui supra Regalis judex*

+ *Ego Jonathas Venusii et Baroli Regalis Judex Hec dicta . . . firmo.*

An. inc. ej. mil. cent. quin. oct. et oct. an. reg. d. n. Gulielmi Gl. Reg. Sic. atque duc. Ap. ac princ. Cap. Mense Nov. Ind. sexta.[1]

[1] Cf. Note to *Cal.* No. 39 on the rectification of this date.

46a. 1157 or 1158. Eighth of King William. Barletta: Ughelli-Coleti. *Italia Sacra*, vii. col. 793. *Cannenses Episcopi*, '*ut in veteri cartula Archivii Caprensis.*'

In 1258, in the reign of Conrad, *Dom. Vener. Mag. fr. Dalmatius sacra domus templi* produced a certain charter belonging to his house of the Temple of *an.* 1158, *an.* 8 *Regni D. nostri Guillelmi excellentissimi Regis Siciliae, Duc. Apul. & Princ. Cap.*, in which John bishop of Canne narrates how his predecessors had had a long-standing dispute with the brethren of the Temple concerning the church of S. Mary *de Salinis* in the neighbourhood of Canne, and how he had granted *præsentibus Willelmo Trojano Episcopo. D. Rogerio Flandrorum*[1] *& D. Petro castri Maris magnifico Capitaneo*,[2] *Angosto de Archis Domino Urbis Cannarum*[3] *prædictam Ecclesiam vobis fratribus templi in capitulo Baroletti.*

47. 1158, Jan. Ind. vi. Seventh (Eighth) of King William. Modugno. St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 88.

Ed. Del Giudice: *Cod. Dipl. del Regno di Carlo I. e II. d' Angiò*, vol. i. App. i. No. ix.

Judgment pronounced by Petracca, judge of Modugno (*Castelli Medunei*), in the royal court there, surrounded by many *boni homines* of the place, in a suit between William prior of S. Lawrence at Aversa, and William provost of the church of S. Angelo at Frassenito, and Blaise, knight and catepan of Modugno. The two Williams, by the mouth of their advocate Martin, make their proclamation, saying: 'Lord judge, Blaise a knight and catepan of the *castellum* unjustly seized and holds animals and oil belonging to our church of S. Angelo, concerning which we want, if you please, justice. We explained all this wrong *domino Simoni regio senescalco et magistro capitaneo tocius apulie et domino Virsacio regio magistro protocamerario tocius apulie et terre laboris. et domino Goffrido regio justiciario*, and made complaint to them all about it, and gave letters from them to the catepan to make him restore to us those animals and the oil, in this way, namely, that if there be anything which he wishes to urge justly against us, he should do so in the royal court of the said *castellum*. Now are we prepared to abide by the law in whatever he shall bring

[1] Cf. *Cal.* Nos. 41 and 46, and chap. iii. (2) *supra.*
[2] Cf. *Cal.* No. 46, and chap. iii. (2).
[3] *Cat. Bar.* p. 572, arts. 34–52.

against us, and to perform whatever the court shall adjudge.' After hearing this proclamation the judge questioned the catepan, who produced the letters in court, and ordered him to make answer concerning the injunction (*compellacio*) which he had received. The catepan replied that he had not seized the animals and oil unjustly, because the monastery ought to pay *12 staria* of oil annually to the state for the olive trees, which belonged formerly to Alberic of the *castellum*. He, the catepan asserted, had always paid this tax, and the monastery had done so up to the present time. The advocate of the monastery explained that sixty years ago the monastery had received the trees from Alberic, without any obligation of payment to the state, for Alberic had obtained them from a certain man of Bari, and produced a document in court which bore out all his assertions. The catepan, again questioned, admitted that he had no further proof to offer that the olives were tributary to the state. Whereupon the judge narrates how *Interrogavi eciam et conjuravi complures homines predicti castelli per sacramenta et fidelitatem quam prefato domino regi debebant ut si scirent quod aliquod tributum pars ipsius monasterii pro ipsis olivis parti publice dare solita fuisset nobis dicerent.* They all replied in the negative, and by the advice of the wiseacres present the judge ordered the side of monastery to swear on the gospels with twelve *juratores* that it had never paid nor ought to pay any tribute or oil to the state from these olives. The prior and eleven others swore one by one to this effect, *sic me deus adjuvet et hec sancta dei evangelia.* For greater security this record of the judgment was made by Felix a notary of Bari and witnessed by:

+ *Petracca judex medunei.*
+ *Luca miles testis sum.*
+ *Pascalis miles.*
+ *Signum manus nicolai ama panis.*
+ *Signum manus pauli factum pro testimonio.*
+ *Signum manus . . . us mund . . . factum* [*pro te*]*stimoni*[*o*].

An. dei Eterni d. n. jhesu $\chi\overline{\rho i}$ *Mill. cent. Quinquagesimo Oct. Regni autem fel. d. n. G. Sic. et It. R. invict. an. oct. M. Jan. Ind. Sexta.*[1]

48. 1158, May 10. Ind. vi. Salpi. *Pergamene di Barletta*, No. 85, p. 108. Cf. *Cal.* No. 19. Cit. Haskins, p. 660, n. 226; Chalandon ii. p. 676, n. 1.

[1] Cf. Note to No. 39 on the rectification of this date.

Raynaldus f. Fredaldi regalis camerarius,[1] while he was at Salpi on the king's business, received letters *a domino Stephano Amirato et magistro capitaneo tocius Apulie*, brother of Maio, the great admiral of admirals, granting permission to Morilianus, son of Germanus, an inhabitant of the city of Salpi, to erect an oven on his own property in Salpi, as a reward for faithful service rendered to the king. Raynald proceeds to give effect to this mandate, *in presencia Maroldi venerabilis episcopi eiusdem civitatis, et subscripti iudicis Montis et catapani Salparum et iudicum eiusdem civitatis scilicet Adde et Abbane aliorumque bonorum virorum.*

49. 1158, Dec. Ind. vii. Di Meo: *Annali.* x., an. 1158, n. 8, quotes from the Archivio di Cava a Bull of Henry archbishop of Benevento, who gave to abbot Marinus the churches of S. Mary, S. Peter, and S. Andrew, at Paterno, by the intervention of *Ubaldo*, Cardinale di S. Prassede, e di *Alfano*, Camerario del Re Guglielmo.

An. ab Inc. D. M.CLVIII. *mense Dec. Ind. vii. Pont. D. Hadriani . . . Papae IV. an. v. nostri autem Archiepiscopatus ann. iii.*

50. Time of Simon Seneschal 1158 or 1159. Brittoli. Ughelli-Coleti *Italia Sacra*, x. col. 368, *Chron. de Carpineto.*

Account given by the Chronicler of a suit between abbot Oliver of S. Bartholomew of Carpineto and Berard of Vicoli. Berard presented himself before Simon Seneschal who had recently been made *praepositum universo Regno usque Pharum Messanae* and claimed *Castellum Britulum & Ripaltum & Fabrica* which had belonged to Gentile and Richard of Brittoli, and also *Carpinetum & Fara, Castella* of the church of S. Bartholomew.

The abbot urged his claim before Simon, who, desiring to know whether the abbot or Berard spoke the truth, sent letters to *Samarus Regis Camerarius, ut diligenter inquireret, quid huic Monasterio pertineret de Castellis Carpineto & Fara, & veritatem inventam propriis literis ei significaret.* Samarus thereupon came to Brittoli and began to hold a diligent inquiry: he ordered four men (whose names are given) from Brittoli and as many from Carpineto (also mentioned by name) to appear

[1] Cf. *Cat. Bar.* p. 574, art. 118; cf. arts. 119–124 (Monte Peloso) and p. 581, art. 387; cf. p. 582, arts. 404–406.

before him. *Hi jurati dicere veritatem pariter, & concorditer sunt testati* in the presence of the abbot, Berard of Vicoli and the chamberlain Samarus, that Fara and Carpineto with all their belongings were the property of no one but the monastery.

This testimony was sent by Samarus *literis suis proprio sigillo signatis* to Simon, who recognised the right of the church, restored it to full liberty, received it into the demesne of the king under royal protection, and made restitution of the *Castella* of Fara and Carpineto. All this was noted in the quaternions for the benefit of posterity and the king was informed of the matter by Simon *propriis literis*. The king then had it drawn up in a public instrument and given to the abbot. Later he sent letters to Samarus ordering him to take the monastery and its possessions under the care and protection of the king, and to '*defend*' it.

There followed peace for two years till Robert of Loritello came back.

51. 1159, March 8. Ind. vii. Eighth (Ninth) of King William. Troia. Stefanelli: *Memorie storiche Intorno alla Città di Troja in Capitanata* Vol. ii. Documenti n. 51 bis. Soc. Nap. di storia Patria MS. Doc. 26, p. 85. B. Original is probably in Capit. Arch. Troia.

Concord between William III. bishop of Troia and Pelagius abbot of S. Angelo in Orsara *prȩsentibus etiam de Confratribus nostris D. Laurentio, et D. Ordonio, et Petro de Alba coram Lupo de Mallanisio,*[1] *Secundino Rogerio, atque Ioanne Leporino*[2] *Regalibus Iudicibus, et subscriptis testibus, interveniente Nobiscum Raone de Rocca Regio Justitiario*[3] *in hoc negotio ipsius nostri monasterii Advocato.*

Notary: *Joannes Notarius Pinzardi filius.*

Signatures of *Frater Pelagius Abbas, Frater Laurentius, Ordinius, Frater Petrus de Alba, Mainardus de Grino, Guillelmus de Menescalco, Maffredus filius Joannis de Mastro, Lupus Mallantius Regius Judex, Regalis Judex Caesar Rogerius, Secundinus judex, Joannes Leporinus Regalis Judex, Nicolas Judex.*

1159, March 8. Ind. vii. Ninth of King William.[4]

[1] *Cal.* No. 45. [2] *Ibid.*

[3] Cf. *Cat. Bar.* p. 582, art. 397, and *Cal.* No. 31. In 1170 *Lucas de Rocca Regius Justitiarius interfui* is found among the signatures of a charter of William III, bishop of Troia. Stefanelli, p. 91.

[4] Cf. Note to *Cal.* No. 39 on the rectification of this date.

52. 1161, Oct. Ind. x. Eleventh of King William. Di Meo: *Annali* x, ad an. 1161, n. 8.

Quoting from *Rinaldi*, ii. 171, *l.* 7, *c.*1. *Mem. Istor. di Cap.*, who 'dall' Archivio Capuano reca una Carta, in cui *Giovanni* di Burgetta, Stratigoto di Capua fa istanza avanti *Ruggieri* Mastrogiudice, *Guglielmo* Giudice di Capua e *D. Marino* Regal Camerario contra *Giovanni* di Stefania filio del qu. *Giovanni*, cognominato di *Aversa*, di aver edificato in luogo del pubblico ; ma questi dimostrò, ch'era proprio. Fu scritto da Pietro Notajo : *An. ab Inc. D.* MCLXI. *&* XI. *an. Regni D. n. Guilielmi . . . . mense Octub. Ind. x.*'

53. 1162, Jan., Ind. x. Eleventh of King William. Salerno. Di Meo : *Annali* x. ad an. 1162, n. 4.

Nell' Archivio della Cava si ha, che *Ebolo* di *Malliano*, figlio del qu. Conte *Lamberto*, con suo nipote *Ebolo* Chierico dell' Arcivescovado di Salerno, figlio del qu. suo fratello *Aliberto*, conferma in Salerno all' Abbate *Marino* i beni in *Lirino*, e'l *Tufo*, col jus aquatico del fiume stesso Lirino ec. conceduti sette anni prima. Fu scritto in Salerno da *Matteo* Notaio, presente *Truppoaldo* Giudice : *An. ab Inc.* MCLXI (finiva al Marzo) *&* XI *an. D. n. Guilielmi Sicil. & Ital. gl. Regis, mense Januar.* X *Indict.*

N.B.—Ebulus does not here bear the title of chamberlain : perhaps he had retired by this date. Haskins, p. 659, n. 212, cites a document of 1161 (Archives of Cava, H, 36) where Ebulus appears without the title : possibly this document is identical with the document given by Di Meo.

54. 1163, Feb., Ind. xi. Twelfth of King William. Sulmona. *Chron. Casaur.* R. I. SS. II. Pt. 2, col. 1009–1010. Cit. Niese, *Gesetzgebung*, p. 34.

Samarus Trani Camerarius suus, *i.e.* of king William, narrates how he settled a complaint brought by Leonas, abbot of S. Clement of Pescara against Senald a priest of Sulmona, in the presence of two abbots, a judge of Termoli, two judges of Sulmona, and others. Senald held a tenement in Sulmona from S. Clement, for which he had to do service and pay a rent for a term of years. He had withheld the rent and when the period had elapsed the abbot deprived him of the tenement. Senald complained that he had been unjustly despoiled. The abbot, wishing to remove his ground of complaint, *justitiam inde sibi facere spopondit ; et die constituto uterque*

in Curte Monasterii convenerant, ubi Sacerdos justitiam recipere recusavit. Consequently the abbot forbade him *ex Regia & sui parte* to enter the tenement again, since he had refused to receive the justice offered. The priest then invaded the tenement in contempt of the king and church. In his defence Senald denied the whole allegation except that *in die statuto justitiam ab Abbate recipere refutavit. Calumpniae vero sibi objectae dedecore inlato Domino Rege congrue non respondit.*

The abbot offered to make proof of the entry, *post Abbatis defensionem*, by witnesses. This he did the following day at Sulmona. The chamberlain gave judgment that the land was to be restored to the abbot and that the priest was to make a composition in money to the court *pro invasionis culpa.*

55. 1163, Feb. Ind. xi. Reign of King William. Sulmona. Bibl. Nat. Paris MS. Lat. 5411. f. 256 recto. Instrumentarium monasterii Casauriensis. Cit. Haskins, pp. 645–6 n. 134.

Brevis recordationis placiti quem ego Sammarus regius camerarius et justitiarius de quodam tenemento fieri precepi.

The suit is the same as that of the previous document [No. 54], and the chamberlain makes a short record of the facts. The priest Senald held a certain tenement of the church of S. Clement and failed to fulfil the service due for it. He was summoned many times to make amends in vain, and kept the tenement beyond the term for which he held it. Leonas, abbot of the monastery, disseized Senald of the tenement, and because he began to murmur in consequence against the abbot and brethren, fixed a time at which Senald should appear to receive justice. This Senald refused to do, and the abbot, seeing that he was threatening to take possession once more of the tenement, *prohibuit eum ex parte domini Regis et sue ecclesie que est camera eiusdem domini regis predictum tenementum ulterius non invaderet.* Sammarus came to the church of S. Clement to hold the pleas on the appointed day, and sitting there, the court was well advised by the abbots and the archdeacon. Later Sammarus[1] in the royal

[1] Two further notices of Sammarus belong to the reign of William II :

(1) *Chron. Casaur. R.I.SS.* ii. pt. 2, col. 1011. Donation of Gilbert count of Gravina, *Magister Capitaneus Apuliae et Principatus Capuae* 1166, Dec. 1. Ind. xv. 1st king William Sulmona † *Signum propriae manus Domini Samari Regii Camerarii.*

(2) *Cod. dipl. Bar.* i. No. 94. Mention is made in the will of John Amerusius of the son of *Sammarus de Trano.* 1186, Dec. 4. Ind. 5.

palace at Sulmona, in the presence of bishop Sigenolf of Valva, archdeacon Matthew of Chieti, Bernard and Walter, judges of Sulmona, and in the presence of Theoderic, *termulano judice regalis curie et Alpherio regio notario et aliis*, gave the abbot fresh seisin [*resascivi*] of the tenement and made Senald return to the abbot the little letters he had.

Document drawn up by Walter, notary of Sulmona, by command of the lord chamberlain and justiciar.

An. dom. inc. MCLX°III° Ind. xi° V° id. Feb. Reg. fel. d. n. W, etc.

56. 1163, May, Ind. xi. Thirteenth of King William. Ughelli-Coleti *Italia Sacra*, vii. col. 401–2 *in Tab. Salernitanae Ecclesiae servatum.*

Confirmation by Romuald archbishop of Salerno of the election of Algayta, a nun of St. George at Salerno, as abbess of the monastery *Puellarum S. semper Virginis Dei Genetricis Mariae* in the presence of a large number of persons, clerk and lay. *Laicis siquidem, Mario Rubeo Regali Camerario, Gisulfo judice, Matthæo Judice, filio Joannis Judicis, Cioffo germano ipsius Camerarii, etc.*

Document drawn up by Guafer the judge.

An. ab inc. ej. 1163 *&* 13 *an. R. D. nostri G. Sic. et It. gl. R. mense Majo* 11 *Ind.*

57. 1163, June, Ind. xi. Thirteenth of King William. Salerno. Ughelli-Coleti *Italia Sacra*, vii. col. 406.

Grant of the southern half of a piece of land with vines and apples outside Salerno at Verniano near the church of S. Eustace, made by *Hersacius Dei et Regia gratia Apuliae, Terraeque Laboris Magister Camerarius* in the presence of Matthew and Truppoald, judges of Salerno, and the *idonei viri* to the *xenodochium pro substentatione pauperum* outside the city near the watercourse (*rivum*) called *Faustinus*. The charter was written by the notary Grimoald and signed by the judges *Gisulfus* (sic) and *Truppoaldus* so that the xenodochium may have full rights of ownership over the land for the benefit of the poor, etc.

\+ . . . . *Græcis litteris.*
\+ *Ego qui supra Matthæus Judex.*
\+ *Ego qui supra Truppoaldus Judex.*

An. ab Inc. ej. 1163 *&* 13 *an. Regni D. n. W. Sic. & It. gl. R. m. Junii* 11 *Ind.*

58. 1163, July, Ind. xi. Reign of King William. Sarconi. St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 111. Original. Ed. Minieri Riccio, *Saggio di codice diplomatico di Napoli*, i. 283. Cit. Chalandon ii. pp. 686–7.

Guido de ripitella domini regis magistri camerarii tocius calabrie et vallis gratis et vallis signi atque vallis marsici per preceptum domini nostri regis was at Sarconi in order to give a final sentence concerning the injustice which the church of Carbone had suffered from the lords of Sarconi. The archimandrite Eunufrius and many of his monks and brethren appeared and showed the master chamberlain the tenements which justly belonged to the church of S. James at Sarconi (these are named), and demanded that he should restore the rights of the church as the king ordered. The master chamberlain then summoned before him the men of Sarconi, knights, priests, and others whose names are written below, and ordered them to go and say whether that tenement justly belonged to the church of S. James. They told him that the tenement had formerly so belonged, and that the ancestors who had been lords of Sarconi had unrighteously disseised the church of the tenement. The master chamberlain, hearing the testimony of the *boni homines*, saw the justice of the archimandrite's demand and immediately restored the tenement to the church of S. James. He ordered this charter to be drawn up and imposed a fine of 10 oz. of gold to the royal court in case of its breach.

Witnesses :

+ *Ego Riccardus filius yvonis testifico hoc.*
+ *Ego Johannes guarneru confirmo hoc.*
+ *Ego Angerius miles hoc confirmo.*
+ *Ego Johannes Pinzonus testis sum.*
+ *Ego presbyter Mayus similiter.*
+ *Ego presbyter Mangisius.*
Ego Johannes milandus.
Ego Maius maynardus.
Ego Rogerius de Sala.
Ego Petrus alberti.
Ego Adilelmus tornator.
Ego Nicolaus malaza.
+ *Ego Laysius ekatipanus confirmo hoc.*

An. ab inc. ejus M.C.LXIII Regn. d. n. W. d. g. r. Sic. duc. ap. et princ. cap. M. Jul. ind. xi.

N.B.—The grammar is frequently incorrect.

59. 1164, March 13. Ind. xii. Thirteenth (Fourteenth) of King William. Trani. *Cod. Dipl. Bar.* v. No. 121.

Concord concluded between *Ducatus* a priest and *Cricorius* his brother, sons of Matthew of the *castellum* of Noia, and Stephen Camelus son of the lord John of Bari, rector of the church and hospital of S. Nicholas, of Bari, in the court of the king held by order of *Bersacii dei et regia gratia totius Apulie terreque Laboris magistri camerarii* at Trani, *ubi dominus Iohannes eadem gratia terre Bari camerarius presidebat.* The brothers Ducatus and Cricorius explain that they claimed all the property which their uncle Laurence f. Kurinicolay de Pascali had held in the village of Noia and its neighbourhood, in virtue of a written donation which they produced and read in court. Stephen, however, asserted that the church could not give up the property to them, because the *dominium proprietas et possessio* in the property in question belonged to the church by reason of a written grant made by Thomas Briton, son and heir of Joel lord of Noia and Rutigliano, concerning the aforesaid uncle and his brother Felix and their property. Since, therefore, this donation was made long before that of Laurence f. Kurinicolay to his nephews, and since in the opinion of the judges present, Trasagustus, Nicolas, and Sergius, judges of Trani, and Porfidus judge of Giovenazzo and Tasselgard of Trani a doctor, son of Docibilis the judge, the property by that donation belonged to the church, Laurence could not at a later time alienate it, nor could alienation be made without the licence of the king, because the church and its property were specially placed under the protection of the *curia*. Under these circumstances therefore Ducatus and Cricorius gave voluntary pledges to Stephen that they had no right whatever in the property, and would bring no action against the church. Cricorius further undertook to defend it against his wife, and her heirs, relatives, and mundoalds. The penalty for the breach of these pledges was 25 ounces of tarins of Sicily to the state and as much to the church.

Written by Bisantius the notary.

Signatures:

+ . . . . Βαρεος Ἰωαννης . . . .

+ *Testis Robustus iudex his est Trasagustus.*
+ *Censor nunc testis. Nicolaus probus adest his.*
+ *Ego defensor. Sergi. que profero censor.*
+ *Iuris defensor fert Porfirus hoc fore censor.*
+ *Tasselgardus Trani Docibilis iudicis f.*

Inc. chr. iesu d. n. An. mil. cent. sex. quarto et quartodec. an. reg. d. n. Guilielmi magnifici regis Augusti Sic. atque It. tertiodecimo die mensis martii ind. Duodecima.[1]

60. 1164, July Ind. xii. Barletta. *Pergamene di Barletta*, No. 100. Cf. *Cal.* No. 19.

Grant made by Lucia a citizen of Barletta, living by the law of the Franks, widow of John de Castello Novo, in the presence of Leo Judex royal catepan of Barletta and Maralditius and Jacobus judges of Barletta and other fit witnesses, to Benedict venerable monk and prior of the church of S. James '*astantante (sic) et suscipiente tecum domino Riccardo de Barolo regali barono et iustitiario iam dicte ecclesie advocato.*'

61. 1165, Jan. 20. Ind. xiii. Thirteenth of king William. Lesina. *Chron. Casaur.* R. I.SS. ii. pt. 2, col. 1010.

Grant made by *Goffridus Dei & Regis gratia Alisinae Comes, & Regius Justitiarius* to the monastery of Casauria of:

(1) *locum prope Alesiam pantano circumdatum.*
(2) A house in the city of Lesina formerly belonging to Wido of Bari.
(3) All lands outside the city which formerly belonged to Wido, namely in *Castelluczo, Quattrovalle* and *Aquadulce.*
(4) Vineyard in *Insula.*
(5) Rights of pasture, cutting wood, etc.
(6) Freedom from *plateaticum.*
(7) Right to withdraw men.
(8) *duas nicossas in sauce retro Canniczum usque ad mare.*
(9) Three fishermen.
(10) *jus uniuscujusque* which has been made to us, to be made to the monastery.

Notary: *Thomas*, written in Lesina.

[1] Cf. Note to *Cal.* No. 39 on the rectification of this date.

Signatures:

Ego Goffridus Dei et Regis gratia Alesinae Comes, & Justitiarius hoc breve confirmo.

Ego Gaidoni de Molisio testis sum.

+ *Hoc signum crucis proprie manus W. de Torpo est.*

+ *Crucis hujus signo Robertus Malfridi hoc breve confirmo.*[1]

+ *Ego Amor Termolentis Alisinae Protojudex subscribo.*

+ *Signum Crucis propriae manus Quintavallis militis Roberti Pagani est.*

Ego scripto stabile rogatus assero breve.

N.B. Further notices of count Geoffrey of Lesina.

(1) *Chron. Casaur.* R.I.SS. ii. pt. 2, col. 914.

Epistola Goffridi Comitis to abbot Leonas (undated, hence 1155–1182) begins *Goffridus Dei et regia gratia Comes Alesinae & Domini Regis Justitiarius.*

(2) Archives of Cava Dictionarium Archivi Cavensis, t. ii. f. 179.

Goffridus divino munere Lisinae Comes, Regalisque Justitiarius, Dei magnae memoriae Domini Henrici Olliae haeres & filius.

Signature: *Ego Goffridus Alisinae Comes, Regalisque justitiarius qui hoc concessi* 1173 *M. martii Ind. vi. anno quoque Comitatus nostri octavo decimo.*

(3) Bibl. Naz. Nap. Cartario di S. Maria di Tremiti xiv. A. 30 manoscritti f. 60 recto. Grant made by *Goffredus ollie divina providente clementia comes Alesine et regalis justitiarius Domini Henrici ollie bone memorie heres et filius.*

Signature: Ego Goffridus dei et regia gratia Alesine comes et justiarius (sic) hoc breve confirmo.

Salv. n. Ihesu $X\overline{\rho\iota}$ *an. ab inc. ejus mill. cent. septuagesimo sexto. Regni d. ac triumphatore W. s°. R. sic. duc. ap. et princ. cap. An. Undec. M. Oct. Ind. ix.* = 1175. Cf. *Cat. Bar.* p. 581, Art. 377, 383, 387.

(4) Chalandon ii. 567, n. 20 quoting Archives de la Cava I. 38. Diplôme de Sibille, veuve de Geoffroi comte de Lesina (1182).

62. 1166, Ind. xiv. Di Meo: *Annali*, x. ad an. 1166 n. 10, from Archivio Cavese.

Nell' Arca 83, n. 52, *Lucia* figlia del qu. *Giovanni* della Monica, vedova di *Filippo* Melloto, moglie di *Liguoro*, detto *Caputo*, Napoletano; vende la

[1] Cf. *Cat.* No. 44.

sua 4 in *Fellina* al suo cognato *Cioffo* Russo per parte di Teodora di lui moglie, e per parte di *Griselaita*, moglie di *D. Mario* di lui fratello Regio Camerario,[1] e figlia del qu. *Mauro* Amalfitano detto *Gattola*.

APPENDIX.

UNEDITED DOCUMENTS AND TWO DOCUMENTS EDITED AFRESH FROM THE ORIGINALS, ILLUSTRATING THE HISTORY OF THE JUSTICIARS AND CHAMBERLAINS.[2]

No. 1.

1143. June, Ind. vi.

Place: Messina.

Notary: ——

Contents: Concord concluded between Julian (Juanus) bishop-elect of Catania and the church of S. Salvatore in Messina, concerning the claim of the latter to construct a mill near the bishop's mill of Mascali situated at *Pliero* in the neighbourhood of S. Giovanni. The bishop-elect resisted this claim and brought the matter before king Roger, who ordered both parties to appear before the royal court at Messina. Finally a compromise was arranged.

Source: Vatican Codex 8201, ff. 50–51. Seventeenth century copy. B. Cit. R. Pirro, *Sicilia Sacra Disquisitionibus et Notitiis Illustrata*, ed. A. Mongitore, Palermo, 1733, i. 528–9, ii. 978, who adds to the latter notice: *nos in Not. Cat. eo anno fol. 23* (*i.e.* reference to the notice in i. 528–9) *et in tab. Archim fol. 171.* De Grossis, *Catana Sacra*, p. 82, *anno prædicto* 1144. *mense iunio. Indict.* 9. P. Batiffol, *L'Archive du Saint Sauveur de Messine*, in *Revue des Questions Historiques*, Paris, 1887, xlii. Batiffol does not mention this concord, and writes (p. 564): 'A la suite des chartes et diplômes, voici une série de contrats, concessions, accords, donations, legs, achats, et ventes; ces diverses pièces n'offrent guère que l'intérêt de minutes notariales, *elles sont toutes rédigées en grec*': in spite of this emphatic assertion, the concord in question must have been drawn up originally in Latin. The date in the Vatican copy is given *Anno 1144, Indictione vi.*, and a note is added *extat originale.* In the case of the translations

[1] Ughelli-Coleti, *Italia Sacra*, t. vii. col. 404, gives a suit of 1178 of *D. Lucas Guarna Regius Justitiarius, filius q. Alferii qui similiter Guarna dictus est, cum Mario Russo cognato suo f. q. Malfridi qui fuit filius Ademarii Comitis . . .* It should be noticed that Marius no longer bears the title of chamberlain.

[2] In transcribing these documents I have, by the advice of Mr. R. L. Poole, used the forms j and v as consonants, and i and u as vowels except in No. 1. The forms used by the scribes for these letters are so varied that it is impossible to know in every case whether j or i, v or u was intended. The date given in the head-line is reduced to modern reckoning.

from Greek originals the year of the world is always given. Further, Pirro notes that he made his abstract of the suit from the archives of the Archimandrite, and he never worked directly on Greek originals. Garufi, *Documenti*, Pref. pp. xii and xiii, does not mention the concord. Caspar, *Reg.* No. 155 and No. 219, makes a strange confusion between the present document and the judgment given before the Admiral in June, 1149. Under No. 155 he describes the concord between Julian the bishop-elect and the archimandrite, and gives the references in Pirro ; but in giving the source as Copie, s. xvii, Cod. Vat. 8201, foll. 71 and 158, he refers to No. 219, and the quotation of *Batiffol Revue S. 562 mit 1148* which he gives is of the same document.

Dissentio fuit inter Ecclesiam nostram Cathaniensem, et Ecclesiam Sancti Saluatoris Messanæ de quodam molendino quod ipsi uolebant facere iuxta molendinum nostrum de Mascalo quod est apud Pliero in pertinentia Sancti Joannis quod ab illis fieri non permittebamus. Vnde domino magnifico Regi R. conquesti sunt adeo quod ex ipsius præcepto et nos et ipsi in curia Domini Regis Messanæ conuenimus ut ibi pręsente Curia de præfata calumpnia discuteretur et rationis examine unicuiq ; nostrum quod suum esset confereretur. Venimus igitur et nos, et ipsi in Curiam. Quod uidentes quidam Sapientes, et discreti uiri uidelicet Dominus Symeon domini Georgij Admiratorum Admirati filius, et magister Thomas et Rogerius filius Boni, et Nicholaus Amirati Eugenij filius, et Aschetinus Cathaniensis Archidiaconus, et Riccardus de Brolio, et Petrus de Lentina et Heruetus de Terona qui nequaquam uolentes discordiam esse inter Ecclesiam nostram, et Ecclesiam Sancti Saluatoris Messanæ præfatā dissentionem in pacem converti studuerunt. Ex præcepto igitur Domini Regis mediatores effecti quod super hoc in mente habuerunt Deo uolente peregerunt. Sic autem inter nos et illos pax firmata fuit. quod Ecclesia nostra concessit eis ut molendina aquæ facerent quoquo uoluerint iuxta præfatum molendinum nostrū uel superius uel inferius ita tamen ut si superius fecerint molendina non perdat molendinum nostrum aquam unde non possit molere pro defectu aquæ. Sin autem inferius ut non reuertatur aqua refluendo unde rota molendini nostri habeat impedimentum uel perdat suum molere. Præterea concessimus eis medietatem terræ nostræ quā iuxta molendinum nostrum habebamus pro descensu asinorum, et alia medietas terræ ipsius remansit nobis, et ut habeant licentiam irrigare terram suam ab aqua desuper molendinum nostrum ita tamen ut molendinū nostrum non perdat suum molere. magis quam solet præterito tempore ante hanc concordiam. Haec omnia fuerunt facta inter nos, et illos tali conditione ut Ecclesia eorum de præfato molendino nostro nequaquam faciat nobis molestiam uel impedimentum. Si quidem Ecclesia eorum inuenietur proclamationem faciens, et molestiam contra nostram ecclesiā de præfato molendino nostro. C.C. Bisancios donet [a] nostrae ecclesiæ, et curiæ Regali. CCC. Et similiter si nostra Ecclesia uoluerit infringere præfatā concordiam inter nos, et eos factam donet Ecclesiæ eorum. CC. Bisancios et curiæ Regali. CCC. et has præfatas conuentiones concessi. Ego Iuanus Cathaniensis Electus consilio, et assensu fratrum meorum de quibus aliqui subscripserunt. Et ut præsens priuelegium inuiolatū et firmum maneat Ecclesiæ nostræ sigillo plumbeo illud sigillari fecimus, et Ecclesiæ Sancti Saluatoris Messanæ dedimus. Anno ab Incarnatione Domini M°C°XL°IIII°. Indictione vi. Mense Iunij Haec Crux ✠ quam fecit [1] Iuanus prædictus Electus, et

[a] B. donec.

[1] In margin of B. beside the signatures is written

Anno $\overline{1144}$
Indictione VI

extat originale.

+ Hugo prior . hanc quoque + Fulcherius . et hanc + Girardus magister . hanc uero
+ Robertus Jacijs Magister, et hanc + Lucas . hanc quoq + Nicolaus cantor.

No. 2.

1144. June, Ind vii.

Place: Siponto.

Notary: Gaderisius.

Description: Italian parchment irregularly cut, varying from 25 cm. 8 mm. to 25 cm. 5 mm. × 37 cm. 4 mm. to 37 cm. 8 mm. Very faint traces of ruling on recto. Space between the lines, 7 mm.

Hand: Minuscule, closely resembling Cassinese Lombardic.

Contents: Grant by Henry of Ollia, knight, lord of Capriola and royal justiciar, of the church of S. Peter at Vico to the church of S. Leonard, made in the presence of Gaderisius the judge, and the *boni homines* of Siponto, with the formalities of Lombard Law.

Source: St. Arch. Nap. Perg. di Mon. Sopp. vol. i. No. 34. Original. A. Unedited. Extr. Haskins, p. 644, n. 122, as No. 40.

In nomine dei eterni et Salvatoris nostri jhesu christi. Anno Incarnacionis ejus Millesimo Centesimo Quadragesimo Quarto Mense Junii Indiccione Septima. Regnante Domino ROGGERIO Victorioso et Serenissimo Rege Sicilie Atque Italie Ego HEnricus de ollia miles et dominus caprilis Atque justificarius domini nostri magnifici regis Presente Gaderisio judice Aliisque bonis hominibus testibus subnotatis civitatis Siponti Intus in eadem civitate pro redempcione Anime mee meorumque parentum . et ut requiem in eterno vita[a] acquirere valeamus Voluntarie unam ecclesiam cujus vocabulum est beati Petri apostoli. Cum vineis Cum olivis Cum terris Cultu et incultu[b] et cum omnibus que jure sibi pertinent . et est supra montem prope castellum bici offero quantum mihi pertinet ecclesie Beati Leonardi site inter sipontum et candelarium tradando per fustem in manus tui domini Andree prioris predicte ecclesie Beati Leonardi tecum astante atque recipiente benesmiro milite de prelecte[c] sancti Leonardi et tui advocato. Et propter sponte nullam vim paciente tibi Guadiam do unanimiter prescripto tuo advocato tecum accipiente fidejussore me ipso per convenienciam Ut semper ego et heredes mei oblacionem a me factam nullo [modo] infringamus[d] sed contra omnes jamdictam beati Leonardi infestantes legaliter defendamus Quam si infringere temptaverimus et defendere noluerimus seu nequiverimus hoc scripto semper firmo manente Viginti Regales Solidos tibi tuisque successoribus componamus Et ego in ea prephatus fidejussor per convenienciam tibi prenominato priori tuisque posterioribus me meosque heredes pignerandi licitis ac vetitis licenciam tribui donec prelecta prephate ecclesie Sancti Leonardi adimpleantur QUE Scripsi EGO GADERISIUS. Notarius jussu predicti judicis.

+ Signum Manus Henrici de ollia justificarii Domini nostri magnifici Regis
+ Signum Manus Riccardi militis filii predicti henrici de ollia

MARALDI · GADERISIUS · CENSOR · CENSORIS · FILIUS.

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[a] *in ētno uita* A. [b] sic A.

[c] Originally written *milite p̄lecte*, altered to *milite dē p̄lecte* A.

[d] *ī frigamus* A.

No. 3.

1146. February, Ind. ix.

Place: Salerno.

Notary: Salernus notarius et advocatus.

Description: Thick Italian parchment. 37 cm. 7 mm. × 66 cm. 3 mm. No sign of ruling, but the lines are straight, at distance of 16 mm. from each other.

Hand: Minuscule of the peculiar Salernitan form of Lombardic.

Contents: Judgment pronounced by John and John, judges of Salerno, in the presence of Atenulf, the royal *camerarius*, and Sergius, *strategotus* of Salerno, in a suit between Peter provost of the church of S. Mary *de Domno* in Salerno, which belonged to the monastery of Cava, and Ursus a monk of the monastery of S. Mary and S. Benedict in Salerno, concerning the ownership and the possession of a piece of arable land beyond the river Picentino, in a place called *Bespanicum.*

Source: Archives of Cava, Arca xxv. No. 117. A. Unedited. Cit. Haskins, p. 659, n. 215.

+ In nomine domini dei eterni et salvatoris nostri jhesu christi. Anno ab Incarnatione ejus millesimo centesimo quadragesimo quinto . et sexto decimo anno regni domini nostri Rogerii sicilie et italie gloriosissimi regis. Mense februario nona Indictione. Dum in sacro salernitano palatio Essemus Nos Johannes et Johannes Judices . et ibidem dominus atenolfus suprascripti domini regis camerarius . et Sergius suprascripte civitatis strategotus √ adessent[a] aliique complures idonei homines √ petrus monachus et prepositus ecclesie sancte marie . que constructa est intra hanc civitatem et dicitur de domno √ que cum omnibus rebus suis pertinens ac subjecta est monasterio sancte et individue trinitatis quod constructum est foris hac[b] civitate in loco mitiliano in quo dei gratia falco venerabilis abbas prehest . et ursus monachus monasterii sancte marie et beati patris benedicti quod constructum est intra hanc civitatem in orto magno ubi [ad][c] corpus dicitur in quo dominus johannes eadem gratia venerabilis abbas prehest conjuncti sunt . inde tandem prepositus pro parte suprascripte ecclesie sancte marie . et ipse ursus monachus pro parte suprascripti monasterii sancti benedicti ad faciendum finem de causationibus que inter ipsam ecclesiam Sancte marie et predicti monasterii sancti benedicti habebantur . de quadam terra laboratoria cum aliquantis quercubus que est foris hac civitate[d] ultra fluvium pecentinum ubi proprie bespanicum dicitur. Ad quam videlicet litem diffiniendam √ marinus monachus et vestarius suprascripti monasterii sancte trinitatis cum quibusdam de confratribus ejusdem monasterii sancte trinitatis in eodem palatio affuit √[e]———Set ante quam de proprietate ejusdem terre ageretur √ ipse prepositus querebat pro parte suprascripte ecclesie . sibi restitui possessionem ejusdem terre quam pars[ee] ejusdem monasterii sancti benedicti nuper invasisse dixit √ dixit etiam ipse prepositus eandem terram jam longo tempore transacto √ et usque tunc quod ipsam terram pars suprascripti monasterii sancti benedicti ut dictum invaserant . pars ejusdem ecclesie tenuissent . et dominati fuissent . et idoneos testes ipse prepositus pro parte suprascripte ecclesie se habere dicebat. At contra ipse monachus pro parte suprascripti monasterii respondit . dicens eandem terram pars ejusdem monasterii sancti benedicti minime invasisse . et ipsam possessionem parti suprascripte ecclesie restituere

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[a] *adessent* inserted between the lines A.

[b] *hac civitā.* [c] *ad* half erased. [d] *hac civitā.*

[e] A. *affuit* √ *uit* √ is written on an erasure.

[ee] A. *pārs* and so throughout, except l. 14 on p. 457 *pars.* Whether expanded *pars* or *partes* the verb does not always agree.

non debere . eo quod in possessione ejusdem terre nullo tempore pars suprascripte ecclesie extiterat . set ipse monachus eandem terram pars suprascripti monasterii sancti benedicti possidere dicebat. Quo audito eundem monachum interrogavimus si[f] hoc quod pro parte suprascripti monasterii sancti benedicti dixerat testibus probare vellet . qui habito consilio respondit . testes ex inde pro parte suprascripti monasterii minime exibere velle✓[g] Quo facto eundem prepositum interrogavimus si ipsos testes pro parte suprascripte ecclesie habere posset. Qui videlicet prepositus statim in eodem palatio pro parte suprascripte ecclesie tres testes coram nobis exibuit. Videlicet iohannem presbyterum ecclesie sancti marci . et ugonem filium quondam [omission] et matheum filium quondam [omission] Quibus videlicet testibus exibitis et assignatis eos semotim ut moris est . convocavimus et perscrutati fuimus . et tandem super id quod ipse prepositus pro parte suprascripte ecclesie dixerat . conveniens testimonium retdere visi sunt. Unde redeuntes judicavimus per sacramentum ipsi testes prius singuli ad sancta dei evvangelia ipsum . eorum testimonium confirmarent de inde pars ejusdem ecclesie similiter per sacramentum ad ipsa evvangelia jurando firmaret . sic esse verum quemamodum ipsi testes testificati fuerant . et paratis sacro sanctis evvangeliis ipse presbyter per interpositam personam per sacramentum ad ipsa evvangelia juravit. Sic esse verum quemamodum coram nobis testificatus fuerat. Aliis vero testibus et sacramentalibus ipse monachus pro parte suprascripti monasterii sancti benedicti . ipsum sacramentum remisit. Celebrato vero ipso sacramento judicavimus ut pars suprascripte ecclesie sancte marie in possessione suprascripte terre restitueratur✓ Que videlicet terra unde questio mota fuerat . de capite . est conjuncta ad viam . que ducit per mediam serram montis . et a parte occidentale ad res suprascripte ecclesie sancte marie et tamdiu ipsa ecclesia sancte marie quiete in possessione ipsius terre esset . quam diu a possessione ejusdem terre expoliata fuit . de inde de proprietate et dominio ejusdem terre[h] pars suprascripti monasterii sancti benedicti adversus ipsam ecclesiam sancte marie ageret. Terminus vero exercendi litis debet esse completo mense augusto prius venturo . ipsa tamen ecclesia sancte marie usque ad essitum litis in eadem possessione permansura. Unde ex parte suprascripti monasterii sancti benedicti fidejussor extitit truppoaldus notarius filius quondam alfani et ex parte suprascripte ecclesie fidejussor extitit ademarius notarius filius quondam musci judicis . quod autem superius inter virgulos scripsi est legitime adessent . et quod disturbavi est legitime velle. Et taliter pro parte suprascripte ecclesie sancte marie tibi salerno notario et advocato scribere precipimus

+ Ego qui supra johannes Judex
+ Ego qui supra Johannes Judex.

No. 4.

1147.

Contents: Summary of a decision pronounced, on receipt of a mandate of king Roger, by the royal justiciars at a court held at S. Chirico. They were ordered to inquire into the right of ownership enjoyed by the church of S. Angelo of Raparo over Castelsaraceno, and after taking the testimony of the abbot and the neighbouring barons, knights, and bishops, they recognised the rights of the church and their sentence was confirmed by the king.

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[f] A. *si*: an erasure of one letter follows.

[g] A. *velle* written on erasure.

[h] Small erasure between *terre* and *pars*.

Source: St. Arch. Nap. The summary is found in *Rerum in Rev. Curia Regii Capellani majoris judicatarum Tomus Primus ab an. 1774 ad an. 1786.* Neapoli ex Regia Typographia, 1787. The volume was intended to be the first of a series embodying the Processi di Regio Padronato and Processi di Padronato Feudale, of which no more were printed. Unfortunately no efforts on the part of Professor Barone could discover the original MS. volume dealing with the case of S. Angelo of Raparo, which should contain a copy *in extenso* of the sentence described in this abstract. The circumstance is the more to be regretted since judicial sentences from the Val di Sinni are rare. Cf. Caspar, *Reg.* No. 213, who mentions two notices of this judgment. Vargas, *Esame delle vantate carte e diplomi della certosa di S. Stefano del Bosco*, p. 507. Dragonetti, *Origine de' feudi nei Regni di Nap. & Sicilia*, p. 205.

P. 497. In causa redintegrationis patronatus feudalis in Abbatiam S. Angeli de Rapario. Die . . . Decembris 1786.

P. 499. Idem Ill. Princeps [*i.e.* Joannes Baptista Pignatelli Princeps Marsici Novi] intendit, per ea tempora Baronibus licuisse proprii feudi bona per donatione delibare, et decerpere ; nam prohibitionem alienationis bonorum feudalium in nostris Provinciis ex posteriore Constitutione Rogerii enatam esse. Ostendit etiam anno 1147, exorta controversia de dictorum bonorum possessione, a Rege Rogerio Justitiariis suis in mandatis datum, ut inquirent quo tandem modo Ecclesia S. Angeli de Rapario dominio haberet in virum Castri Saraceni ; eosdem Justitiarios Curiam in S. Chirico habuisse, et auditis Abbate, finitimis Baronibus, quibusdam Episcopis Militibus, & Sansone Manghisii filio, et attente discussa charta donationis per Abbatem exhibita, definivisse quod Clemens Abbas, qui per id temporis regebat Ecclesiam, et Monasterium, juste dominabatur in prædicto Casali ; Ea vero sententia a Rogerio confirmata fuit.

No. 5.

1148. April 22, Ind. xi.

Place: Pescara.

Notary: Pandulf notary of the Chancellor.

Description: Rectangular parchment 50 cm. 5 mm. × 69 cm. 3 mm. surface much worn in places—a few small holes. Ruling on recto with a dry point over the whole surface : lines 16 mm. apart. Perpendicular marginal lines on both left and right hand margins.

Hand: Diplomatic minuscule of the twelfth century.

Contents: Record of a suit between the abbot of Monte Cassino and the bishop of Aprutium concerning the monastery of S. Nicholas di Trontino, drawn up by command of the royal justiciars count Boamund, Oderisius of Pagliara, count Robert of Aprutium, and Richard of Turgisio.

Source : Archives of Monte Cassino, Caps. 120, fasc. 10 A, No. 114 (1). Original A. Codex Dipl. Cass. Tom. iv. MS. two copies B, C. Published Gattola : *Hist.* i. 198 §. 2. P. evidently based on copy B. B.C.P. are full of errors, hence it seemed desirable to republish it in extenso. Extr. Palma : *Storia ecclesiastica*, i. 57. Extr. Romanelli : *Scoverte Patrie di città distrutte, e di altre antichità nella regicne frentana, oggi Appruzzo Citeriore.* Naples 1805 i. 65. Cit. Chalandon ii. p. 678; Haskins p. 644.

In nomine dei Eterni et salvatoris nostri jhesu christi nos JustitiaRii [a] domini ReGis.

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[a] P. *Justitiari.*

Boamundus[b] comes. OdeRisius de PalliaRia.[c] Comes Robertus de Aprutio[d]. et Riccardus TuRGiSi.[e]

Brevem recordationem facimus. qualiter longa controversia quę diu[f] fuerat inter ecclesiam aprutinam et monasterium Casinense. per judiciariam sit sententiam diffinita.[g] In presentia siquidem nostra et aliorum qui subter[h] annexi sunt[i] convocatis ad idipsum diffiniendum Benedicto marRsicAno.[j] et Siginolfo balvensi.[k] seu etiam domino PETRO[l] aliphano episcopis. et domino Goffrido Teatino electo. Dominus episcopus Aprutinus cum clericis et advocatis suis hanc querelam et clamorem deposuit. quod Abbas et monasterium Casinense eum dejecerat[m] de possessione monasterii Sancti Nicolai de Trutino cum cellis et pertinentiis suis[n] quod per xxx[a] et eo amplius annos nomine ecclesie sibi commisse se Possidisse dicebat. et inde optulit se habere Testes sufficientes secundum judicium Curie et alias rationes. Ad quod dominus abbas et pars predicti[o] Casinensis monasterii de communi consilio Respondit. et Juri et Rationi contrarium esse quod a parte episcopi dicebatur cum pars monasterii Casinensis predictum monasterium sancti nicolai a centum et pluribus annis integre et in solidum possederit. et . . . . . .[p] habere Testes. et rationes scriptas. et non scriptas Hoc audito delegati a nobis Judices prenominati episcopi Teatinus electus. Comes Berardus Teatinus. et alii quamplures[q] clerici atque laici. diu multumque inter se quę dicta fuerant examinantes. tandem de consilio redeuntes dixerunt longum esse utramque paRtem testibus et sacramentis de possessionis allegatione fatigari. cum potius de proprietate esset agendum Unde Toti Curie Placuit ut dominus abbas Casinensis se a possessione prephati monasterii sequestraret et eadem possessio in manu Justitiariorum quasi[r] apud sequestrum collocata[s] esset. Ea videlicit condicione ut si contro[versia][t] in presenti fuisset curia per diffinitivam sententiam terminata ei daretur possessio cui sententia diffinitiva faveret. Sin autem res sicut J . . . . . [u] et nudius tertius fuerat. ita usque ad domini Regis audientiam servaretur. Utrique igitur parti injunctum est ut de proprietate prephati monasterii siquas haberent allegationes. rationes scriptas et non scriptas in nostra et eorum[v] qui aderant audientia recitarent. Prephatus Itaque episcopus per se et per advocatos suos proprie a . . . . . [w] [sibi] vendicare conatus est.

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[b] C. *Boamundi.* [c] B.P. *Oderisius de Palliaria, Comes.*

[d] B.P. *Robertus de Aprutio, Comes.*

[e] B.P. *Richardus Lurgis.* C. *Comes Richardus Iuruisi.*

[f] B.C.P. *acta.* A. almost disappeared, but certainly not *acta.*

[g] B.C.P. *per judicium sit sententia diffinita.*

[h] B.C. *Judices,* but written over *subter.* P. *judices.*

[i] B.C.P. *cum.* [j] B.C.P. *Maklicdrio.*

[k] B.C.P. *Valvensi.* [l] C. *Petro* omitted.

[m] B. *reiecerat.* P. *rejecerat.* C. *d* written over initial *r.*

[n] A. *sui.* B.C.P. *suis.*

[o] B.P. *a parte supradicti.* C. *a parte* omitted.

[p] B.C.P. *nunc.* A. perhaps reads *ibidē* or *inde.*

[q] B.C.P. *complures.* [r] B.C.P. *quatenus.*

[s] B.C.P. *collata.* A. very much rubbed, but the space is too great for *collata.*

[t] B.P. omit *controversia.* C. has *con.*

[u] P. *Sin autem res sicut tertius . . . nudius fuerat.* B.C. *Sin autem res sicut . . . tertius nudius fuerat.*

[v] B.C.P. omit *in nostra et eorum.*

[w] B.C.P. *proprie utraque . . . vendicare.* A. two words in the space : first begins with *a* ; a large hole in the parchment in place of the second.

tum quia monasterium in sua parrochia constructum erat. nec sine[x] sua suorumve[y] predecessorum concessione. aliene potuit juridicioni[z] submitti.[a] tum quia prephatum monasterium confirmatione[b] Romanorum Pontificum de Jure Possidebat. et inde protulit privilegia bone memoRie Paschalis. honorii. Calixti. et Lucii. quibus coram nostra presentia recitatis et ad interRogationem nostram si qua alia[c] haberent ostenderent[d]. respondentibus illis. habuimus quidem sed direptione consumpta sunt. tandem Pars domini abbatis de juRe suum esse allegavit. Ad quod probandum prius ostenderunt.[e] caRtulam publicam formam habentem. testibus roboratam qua continebatuR. quod fundator et dotator prephati monasterii optulit idem cum dote sua monasterio Casinensi pro redemptione animę suę et suorum. censumque et pensionem eo nomine prephato monasterio annualiter persolvendam constituit. Aliam deinceps cartulam ostendit qua PetRus[f] quondam Aprutinus episcopus monasteRio sancti Nicolai predium sui Patrimonii optulit. et inteR ceteR[a] confessus est in[g] eadem cartula prephatum monasterium cui res offerebatuR esse in subjectione Monasterii Casinensis. Que . . . . . cartula.[h] et[i] Publice forme et testium auctoritate subnixa est. Addidit etiam et ostendit[j] privelegia Romanorum Pontificum non tantum a Calixto. et ceteris prenominatis. sed etiam a multis aliis Retro sanctis pontificibus In quibus omnibus que et legere et recitare longum erat. ecclesie sancti nicolai cum cellis et pertinentiis suis possessio sollempniter[k] fuerat confirmata. Quibus omnibus utrimque[l] diu multumque tractatis tandem[m] Venerabiles episcopi benedictus MaRsicanus et Siginolfus[n] Valvensis cum aliis qui secum aderant clericis ac laicis sententiam judiciariam[o] diffinitivamque tulerunt. et secundum ea que proposita sunt perpetuum silentium episcopo Aprutino et[p] successoribus[q] ejus de prephata causa et proprietate monasterii sancti nicolai cum cellis et pertinentiis suis omnibus imposit[um est][r] Ut[s] neque ipse neque successores sui deinceps audeant quamlibet monasterio Casinensi controversiam inferre. et totum prephatum monasterium cum omnib[us pertine]ntiis suis monasterio Casinensi in proprietate libere absoluteque[t] adjudicatum est. Nos igitur[u] secundum judicium eorum[v] abbatem Casinensem de proprietate et possessione supradicti monasterii investivimus. et secundum Pacem Regiam in perpetuum possidendam decrevimus. et taliter te quidem magister TRastaine actis comprehendere. Te vero Pandulfe domini Cancellarii NotaRie scribere rogavimus Actum anno ab incarnatione domini M°. C°. XLVIII. Mense aprilis die xx[a] ii[a]. Indictione xi[a] apud PiscaRiam feliciter Amen.[w]

+ Ego Sicenolfus valvensis episcopus subscripsi.
+ Egaufridus Teatinus[x] electus subcripsi.[y]

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[x] B.P. *jure.* [y] B.P. *suorum.* [z] B.C.P. *jurisdictioni.*
[a] B.P. *submicti.* [b] C. *confirmationē.*
[c] B.C.P. *alia* omitted. [d] B.C.P. *ostendent.*
[e] A. *ostenderꝛ.* P. *ostendit.* [f] C. per.
[g] B.C.P. for '*confessus est in*' read . . . *offeri.* [h] B.P. *cartulam.*
[i] B.P. *esse.* C. *esse* written over *et.*
[j] B.P. *hodie etiam et dicta.* C. . . . *etiam et* . . .
[k] B.C.P. *solempniter.* [l] B.P. *utrinque.* C. *utrimque* corrected to *utrinque.*
[m] B.C.P. omit *tractatis tandem.* [n] B.C.P. *Sicenolfus.*
[o] B.C.P. *sententiam et judicium.* [p] C.P. *vel.*
[q] P. *subcessoribus.* [r] B.P. *jamphatis.* C. *impeditum* cancelled.
[s] C. omits *Ut.* [t] B.C.P. *deinceps* for *absoluteque.*
[u] A. '*g*' P. *ergo.* [v] A. *eoꝛ.* B.C.P. *Te.*
[w] P. *Amen* omitted. [x] B.P. *Ego Gaufridus Theatinus.*
[y] A. five lines blank between this signature and that of *Ego Tustainus.*

+ Ego Tustainus[z] quondam MAGISTER. subscripsi
+ Ego albertus Judex farfensis subscripsi.
+ Ego MaGisteR RoGeRius canusine Melfiensis[a] ecclesie canonici subscripsi.[b]
+ Ego comes Rabo pinnensis.[c] + Ego rubertus comes aprutinus domini regis justitiarius subscripsi. + Ego oderisius de pallaria domini regis justitiarius subscripsi.
+ Ego berardus comes teatinus subscripsi.

No. 6

1148. October, Ind. xii.

Place: Dragonara.

Notary: John, notary of Dragonara.

Description: Very irregularly cut—size 46 cm. 7 mm. to 44 cm. 5 mm. × 25 cm. to 23 cm. 2 mm. Italian parchment, ruling on recto, lines 15–16 mm. apart.

Hand: Small round diplomatic minuscule.

Contents: Record of a final judgment pronounced by William judge of Dragonara and Deletterius judge of Fiorentino in the presence and by the command of the royal justiciars Henry of Ollia and Boamund Britton, in favour of John prior of S. Leonard *in lama volari*, against Campus bishop of Dragonara, who had disturbed the monastery in the possession of certain lands granted by William count of Lorotello.

Source: St. Arch. Nap. Perg. Mon. Sopp. vol. i. 1131–1157, No. 53; original A. Unedited. Extr. Haskins, p. 644, n. 123, as No. 60.

+ Anno dominice Incarnacionis . Millesimo . Centesimo . quadragesimo nono. Mense . octubris . Indicione duodecima . regnante domino nostro ROGGERIO invictissimo rege. Breve recordacionis factum a nobis Guillelmo draconarie judice . et deletterio florentinenssi[a] judice . qualiter nobis presentibus aliisque viris ydoneis inferius annotatis . dompnus Johannes dei gratia ecclesie sancti leonardi prior que sita est inter sipontum et candelarium in lama volari . et dompnus attenulfus ejusdem ecclesie prepositus . dompnus petrus sacerdos . et alii fratres prephate ecclesie venerunt draconariam eorum querimoniam proponentes coram domino enrico de ollia et ac boamundo bructone regiis Justiciariis ibidem curiam regentibus . de episcopo campo draconarie . qui quasdam terras eorum monasterio pertinentes indebite molestabat . et quas eciam dictus prior cum capitulo asserebat pretaxato monasterio fore donacionis titulo erogatas a Comite Guillelmo de lorotello pro remissione parentum atque peccatorum suorum. Unde vocato in jus dicto episcopo incontinenti coram nobis causam jussimus in judicio deduci et si qua instrumenta vel alie probaciones inessent . deberent adduci ab utraque parte . et sic dictus prior una cum suo capitulo obtulit se probaturum per instrumentum et testes ydoneos qualiter dictus Comes Guillelmus diu erogaverat pro remissione peccatorum suorum ecclesie sancti leonardi dictas terras . et productis itaque instrumento . et testibus scilicet jordano . Johanne magistri ursi et quibusdam aliis probis viris eorum causam tam per instrumentum . quam per ipsos testes legitime probaverunt . pro parte vero episcopi nichil novimus fore probatum. Unde nos videntes utriusque partis rationes et ex mandato predictorum justiciariorum hanc causam

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[z] B.C.P. *Justinus.*
[a] A. very doubtful. C. omitted. B.P. *Melfiensis.*
[b] One line blank between this signature and that of *Ego comes Rabo.*
[c] B.C.P. Signature of Count Berard inserted here before that of Count Robert of Aprutium.
[a] sic A.

duximus fine debito terminandam Nos igitur habito sapientium consilio ecclesiam sancti leonardi a tali inquietacione [fini]aliter liberavimus . et sic postea jussimus de fine in finem per circuitum totas terras titulis consignari . ne de cetero possit inter predictos viros . . . . oriri. Unde ut inposterum recordent[b] hoc breue . quod scripsi . Ego Johannes draconarie notarius . quia Interfui.

+ Ego Guilielmus	Judex
+ Ego deletherius	Judex
+ Ego Arrabitus florentini	testis
+ Ego Plancardus	testis
+ Ego Simeon	testis
+ Ego leo ugonis florentini	testis
+ Ego landulfus	testis
+ Ego Manasses	testis
+ Ego Riccardus porcicii	testis
+ Ego Guarinus	testis
+ Ego lupus de spanio	testis
+ Ego Sabinus	testis
+ Ego Rottardus plantaliani	testis
+ Ego abibonus plantiliani	testis
+ Ego bonomus plantiliani	testis
+ Ego Scikelmannus	testis
+ Ego Johannes de corello	testis

No 7.

1148. November, Ind. xii.

Place: Aquino.

Notary: Aquinus (sic).

Contents: Record, drawn up by Machabeus judge of Aquino, of a judgment given by Atenulf of Caserta and Hector of Atina royal justiciars at the court which they were holding in the palace of bishop Guarin of Aquino, who was himself present. The plaintiff was Adenulf abbot of S. Matthew, who sought redress against the action of the lord Pandulf of Aquino in molesting the persons and goods of certain men of the monastery.

Source: Archives of Monte Cassino, Codex 640. Privilegia et Diplomata pro Monasterio S. Matthæi Servorum Dei. MSS. R.R.P., p. 42. B. The codex is a small quarto of 178 pages bound in parchment and written in the characteristic Cassinese Lombardic hand of the twelfth century. Cf. preface to the edition of the *Register of S. Angelo in Formis.* Tip. Cass., and Capasso, *Fonti della storia delle Prov. Nap.* Nap. 1902, p. 36. A copy of B exists in Cod. Dipl. Cass. t. iv. MS. C. Unedited. Extr. Haskins, p. 644, n. 117.

Hic continet de homines aquinatis Johannem et Adoynum filios[a] Benedicti johannis coni . molestaverunt curiam domini Regis.

+ ☧ In nomine domini nostri jhesu christi. Anno incarnacionis ejus Millesimo . Centesimo . quadragesimo octavo. Mense novembris. Indictione duodecima regni domini nostri Roggerii gloriosissimi regis sicilie ducatus apulie et principatus capue.[b]

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[b] A. *recordēt.* [a] B. sic. [b] B. regnal year omitted.

Dum ego Machabeus[1] judex aquinatis civitatis essem In curia quam ATENULFUS casertanus[2] . et HECTOR atini regales justiciarii in palacio aquinensis episcopi pro justicia facienda et ibi adessent dominus GUARINUS[3] ejusdem urbis pontifex aliique quamplures homines. ADENULFUS monachus et abbas monasterii ecclesie sancti mathei quod situm est in monte qui vocatur castellum per advocatum suum robbertum filium franconis conquestus est quod dominus pandulfus aquini injuste et contra racionem molestaverat homines predicti monasterii johannem videlicet et adoynum filios benedicti johannis coni . et de rebus eorum eis abstulerat eo quod ei servire nolebant. Quos homines monasterium tenebat et racionem de eis habebat. Cumque prephati justiciarii proclamacionem audivissent racionem monasterii eos demonstrare preceperunt. Unde per supra nominatum advocatum quedam carta ostensa est . quam pater et mater suprascriptorum virorum sub tempore principis Jordani in monasterio fecerant de terris et vineis atque mansionibus suis quas tunc habebant. Ita tamen ut ipsi et eorum heredes tenerent illas et fruerentur dum viverent et servirent inde in monasterio. Et si necessitas famis illis evenisset tantum possent vendere ut de fame se liberarent. Et quicumque ipsos de jamdicto monasterio subtrahere voluisset . malediccio dei patris et filii et spiritus sancti ab eo non recederet et veniat ei anathema a trecentis et octo patribus sanctis . et cum anna et caypha consorcium ejus deputetur . et in futuro fiat socius Jude traditoris. Sed cum tantis racionibus monasterium munitum[c] justiciarii[d] vidissent illosque homines in monasterii possessione esse astantis populi confirmacione cognovissent . in manibus jamdicti monachi suisque[e] advocati investiendo predictos homines monasterio confirmaverint[f] . ut nullus ulterius calumpniam illam pro rebus eorum et pro dominio[g] generare potuisset . excepto de rebus quas johannes habebat a parte gaytelgrime uxoris[h] sue. Cumque ego prescriptus judex taliter acta et monasterio confirmata[i] vidissem pro securitate ejusdem monasterii per jussionem suprascriptorum justiciariorum et inde peregi. Ego Aquinus Notarius feci hoc scriptum per jussionem suprascripti Atenulfi . et hectoris. In Aquinensi civitate.

+ ADENULFUS CASERTANUS
+ ECTOR ATINE
+ EGO QUI SUPRA MACHABEUS JUDEX.

No. 8.

1151. May, Ind. xiv.

Place: Curia S. Marie de Bolfannana.

Notary: ——

Description: Size, 27 cm. 5 mm. × 15 cm. 2 mm. Space between lines, 8-9½ mm. Lines not ruled, but straight.

Hand: Carolingian minuscule.

Contents: Suit between Marinus abbot of the Holy Trinity at Cava and Peter abbot of S. Mary of Bolfannana, in the presence of Guimund of Montilari royal justiciar,

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[1] Cf. *Cat. Bar.* p. 615, art. 1360.

[2] Cf. *ibid.* p. 594, art. 836 ; p. 597, art. 934 ; p. 600, art. 1009.

[3] C. gives reference 'De Guarino Episcopo tunc Electo Aquinate Chron. Casin. lib. 4. cap. 98. anno 1136.'

[c] B. *muniatū.* [d] B. *juciarii.*

[e] B. *suisq ; advōc.* [f] B. *confirmauerjt.*

[g] B. *dn̄o.* [h] B. *uxorj.* [i] B. *c̄firma.*

Roger royal judge of Troia, John of Boccio and Rao of Rocca royal barons, John Presbiter and Nicolas Andree judges of Foggia, William Avēn, and Raimund castellan of Troia, concerning the *capud* of a mill built by abbot Peter on land belonging to the church of the Holy Trinity.

Source: Archives of Cava. Arca xxvii. No. 117. Original. A. Unedited.

Anno. M.C.L.I. Mense madii quarta decima indictione. Nos guimundus montis ilaris regalis justitiarius . atque Rogerius regalis judex troie. Dum in curia monasterii sancte marie de bolfannana . cum baronibus et militibus et aliis probis hominibus pro justitia tenenda resideremus. Johannes bestararius . ac Johannes cappellanus atque Rogerius prior sancti jacobi . et Marius prior fabrice . pro parte domini Marini Venerabilis abbatis monasterii sancte trinitatis cavensis . in presentiam nostram devenerunt. Qui adversus dominum Petrum predicti monasterii sancte marie venerabilem abbatem . querelam deposuerunt dicentes. Quod terram que pertinet ipsi monasterio Sancte trinitatis . secundum duo privilegia . que jamdicti monachi in curia illa ostenderunt . unum scilicet de donatione quam Rogerius dux bone memorie ipsi monasterio sancte trinitatis fecerat . aliud de concessione quam dominus noster Rex Rogerius magnificus fecerat ipsi monasterio sancte trinitatis . de rebus omnibus que ipsi monasterio a suis antecessoribus date fuerant . ipse dominus petrus venerabilis abbas . invaserat . et capud cujusdam molini ipsius ecclesie sancte marie . ibi construxerat. Qui prefatus dominus petrus abbas . audiens et videns continentia illorum supradictorum duorum privilegiorum . cum suis confratribus et monachis ejusdem sancte marie . et cum amicis quam pluribus ipsius sui monasterii habito consilio . cum prenominatis monachis qui venerant ex parte jamdicti venerabilis abbatis eorum cavensis . de jamdicta terra . et capite illius molini ad placitum et strictum jus venire noluit. Sed postmulta tandem litigia et contentiones inter eos inde habitas . idem dominus petrus ejusdem monasterii sancte marie abbas . ipsis monachis . pro parte jamdicta abbatis eorum predictam illam terram . cum capite illius molini . penitus dimisit . et quietam clamavit. In presentia Raonis de rocca[1] . et Johannis de boccio[2] domini regis baronum. Johannis presbiteri judicis fogie. Nicolai judicis andree fogie. Guillelmi avēn.[a] Raimundi troiani castellani.

No. 9.

1151. October, Ind. xv.

Place: Salerno.

Notary: Landulfus.

Description: Size, 90 cm. × 40 cm. 6 mm. Lines 13 mm. apart: ruling with a dry point on the right side.

Hand: Minuscule of the peculiar Salernitan form of Lombardic.

Contents: Suit between William archbishop of Salerno and Landulf f. Ademari the count, concerning the rights of the latter over the churches of S. Peter, S. Lawrence, and S. Martin, and their priests, in the neighbourhood of Nocera. Peter protojudex of Salerno, and the judges John, Alfanus, Peter, and Salernus narrate how at a court held by the justiciars Lampus of Fasanella, Florius of Camerota (and apparently Guamarius Sarracenus), and the royal chamberlain Alfanus, the archbishop appeared before them and recited a plea held in the previous year in the palace of Terracina during the king's

[1] *Cat. Bar.* p. 582, art. 397, and *Cal.* Nos. 45, 51.

[2] *Cat. Bar.* p. 582, art. 400, and *Cal.* Nos. 22, 37, 45.

[a] A. *avēn.*

stay there, in the presence of *costa buccafurno et gualterio de misiano et suprascriptis lampo et florio Justiciariis.* The rights of Landulf were limited to receiving from the priests candles at certain times and a gift at Christmas and Easter, and they were obliged to say mass for him whenever he wished to hear it. In spite of this judgment Landolf had again entered the land of the churches, and had ordered his servants to gather the grapes in order to satisfy his claim to receive altar dues from the priests. The present court having considered the matter upheld the previous judgment and ordered Landolf to restore the churches and vineyards to the archbishop, and to leave him in peace. The claim to altar dues was denied again, and only the candles and gifts at Christmas and Easter were allowed. In case of a further breach of the judgment the fine which the king had ordained in such cases was imposed, and in obedience to Lampus and Florius, the judges ordered Landulf the notary to draw up a record.

Source: Archbishop's Archives, Salerno. Arca ii. No. 86. Original. A.

Bibliography: Ed. Muratori *Antt.* v. p. 317. Incorrectly transcribed in many places and attributed to the Archives of Cava. M. Cappelletti, *Le chiese d'Italia*, xx. 300, copies Muratori, with some further inaccuracies. Cit. Paesano, ii. 130. Haskins p. 649. B. 111[a]. Caspar, *Reg.* No. 224.

+ In nomine domini[a] dei eterni et salvatoris nostri jhesu christi. Anno ab incarnacione ejus millesimo centesimo quinquagesimo primo et vicesimo primo anno Regni domini nostri Rogerii sicilie et ytalie gloriosissimi Regis et primo anno Regni[b] domini Guilielmi Regis[c] karissimi[d] ejus filii. Mense octobris quintadecima indictione. Nos Petrus protojudex et Johannes et Alfanus et petrus et salernus Judices salernitane a deo conservande civitatis. Brevem recordacionem facimus quod cum a lampo[e] domino de fasanella et florio de camarota[f] Justiciariis . et ab alfano camerario. Invictissimi suprascripti[g] domini nostri Regis . curia sollemniter celebraretur. Ante nostram et aliorum presenciam . dominus Guilielmus venerabilis noster archiepiscopus . per advocatum suum prius recitavit[h] quoddam placitum quod anno preterito tractavimus et diffinitum fuerat . In curia ejusdem nostri Regis . celebrata . In palacio terracine. Dum autem[i] predictus dominus noster rex . In eodem palacio moraretur . Coram costa buccafurno[k] et gualterio de misiano et suprascriptis[l] lampo et florio Justiciariis . et aliis[m] qui tunc aderant . facta est talis proclamacio . a parte prefati domini archiepiscopi adversus landolfum filium quondam ademarii comitis quod ipse landolfus invaserat terras cum arbustis √ ecclesie sancti petri et ecclesie sancti laurencii . et ecclesie sancti martini . que[n] site sunt in territorio nucerino . et per suam violenciam expulerat inde presbyteros ipsarum ecclesiarum quos dominus archiepiscopus ibi antea[o] ordinaverat. Ad quod[p] prefatus landolfus responderat . se ydeo presbyteros de suis beneficiis expulisse quia de altare . et de aliis . non serbiebant sibi[q] sicut mansoni[r] olim fratri suo . erant soliti servire. Ad quod prefati presbyteri responderunt √ quia nunquam mansoni[r] fratri suo . aliud dare soliti fuerant . nisi per aliquas vices candelas . et duas salutes . alteram in pasca . alteram in natali domini . et cum missam audire vellet

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[a] om. M. [b] om. M. [c] om. M.
[d] *carissimi* M. [e] *Alumpo* M. [f] *Camarata* M.
[g] *dicti* M. [h] *revocavit* M. [i] *enim* M.
[k] *Cossa, Buccafurno* M. [l] *dictis* M. [m] *alj.* A. *alii* M.
[n] *qua* A. [o] *ante* M. [p] *quos* M.
[q] *quia de Cantare & de Altari sibi non serviebant* M. *qa d̄ atre et d̄ alj. non serbiebant sibi* A.
[r] *Mantoni* M.

presbyteri eam sibi cantarent.[s] Cum igitur[t] diu multumque res ventilata . et examinata fuisset . √ tale veritatem[u] a curia cognita √ judicatum fuit ut prefatus landolfus restitueret presbyteris et parti ejusdem domini archiepiscopi √ terras et arbusta ipsarum ecclesiarum et quicquid inde abstulerat. Et presbyteri earundem ecclesiarum . nichil aliud[v] dare cogantur prefato landolfo . nisi candelas per vices et duas salutes per annos singulos et missas sibi cantaret sicut suprascriptum est. Hoc placito anno preterito recitato[w] . per advocatum suum prefatus dominus archiepiscopus adversus eundem landolfum proclamationem fecit . quod ipse landolfus easdem terras earundem ecclesiarum et beneficia eorundem presbyterorum . yterum invasit . Et per suos ministros vindemiari fecit . de quibus judicium et diffinitiva sentencia data fuerat[x] . anno preterito in palacio terracinensi √ Quod jamdictus landolfus cum prius[y] negare vellet . tandem confessus est √ ministros suos prefata[z] arbusta suo precepto vindemiasse. Tunc nos et suprascripti[a] lampus de fasanella et florius[b] et guamarius sarracenus[c] justiciarii recordati sumus . quia anno preterito coram nostra presencia √ sic fuerat tractata causa. Et sic inde fuerat judicatum sicut superius scriptum est. Hac commemoracione facta √ ab judicio[d] preteriti placiti quod tractatum et diffinitum fuerat . in terracine palacio consilio habito ab[e] universa curia judicatum est. Id ipsum debere tueri[f] et observari quod anno preterito in palacio terracine per sentenciam[g] fuerat diffinitum. Videlicet . ut predictus landolfus restitueret et deinceps quiete pateretur habere[h] . predictum dominum archiepiscopum et partem[i] ejus predictas tres ecclesias sitas . ut dictum est in territorio nucerino √ Cum terris arbustis . et omnibus pertinentiis suis √ nec aliud a presbyteris earum exigeret . nisi ut superius legitur . per vices aliquas candelas[k] . et per annos singulos binas salutes alteram in pasca √ Alteram in natali domini Et missam sibi cantarent . altare[l] vero nullum[m] ab eis exigeret.[n] Et quoniam quod in prima curia . judicatum constitutumque fuerat √ ausus fuerat sepe dictus landolfus removere . nomine pene dare curie judicatus est quod dominus rex de talibus constituerat.[o] Et voluntate predictorum Justiciariorum lampi videlicet et florii[p] que superius leguntur. Te landulfum notarium ad memoriam in scriptis redigere jussimus.

+ Ego qui supra petrus protoJudex + Ego qui supra Johannes Judex + Ego qui supra Alfanus Judex. + Ego qui supra petrus Judex. + Ego qui supra Salernus Judex.

No. 10.

1153. July, Ind. i.

Place: Vieste.

Notary: Sindolfus.

Contents: Concord concluded between Martin de Avalerio and Romanus abbot of S. Mary of Tremiti concerning the church of S. Andrew in Saccione in the presence of

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[s] *eam cantarent sibi* M. [t] *Cumque* M. [u] *tali veritate* M. [v] om. M.
[w] *sicut dictum est hoc Placitum anni preteriti.* (*recitato* om.) M.
[x] *fuerit* M. [y] *primis* M. [z] om. M.
[a] *dictus* M. [b] *Florus* M. [c] *Guaimarius Terracinenses.*
[d] *Hanc commemorationem facere de judicio* M.
[e] *in* M. [f] *teneri* M. [g] *presentialiter* M.
[h] *& deinceps quiete pacificare habere* M. [i] *partes* M.
[k] *Candela* M. [l] *Tanus* M. [m] *nullus* M. [n] *exigeretur* M.
[o] *quod dominus . . . constituerat* appears as . . . *Verum de talibus constituerunt* M.
[p] *& voluerunt predicti Justitiarii, Lampus videlicit et Florius* M.

Henry of Ollia and Boamund Britton royal justiciars, Richard of Ollia, Gentile of Cagnano, William of Gradunzone, Jonathan of Ischitella, Hubert of Calvello constable, and Sindolf, Alfanus, and Peter judges of Vieste and other *boni homines.*

Source: Bibl. Naz. Nap. Cartario di S. Maria di Tremiti xiv. A. 30 manoscritti f. 29 verso and 30 recto. B. A second copy of the Cartario exists in the Bibl. Naz. Nap. xiv. A 27 of sixteenth century. Cf. J. Gay *Le monastère de Tremiti* in *Mélanges d'arch. et d'hist.* xvii. année 1897. Unedited. Extr.: Haskins, p. 644 n. 124, who quotes from a further copy of the Cartario in the Vatican M.S. Lat. 10657. f. 68, which offers, in the fragment quoted, only trifling variants.

Breve ejusdem sancti andree ecclesiæ.

+ In nomine Domini nostri ab Incarnatione Jhesu Christi. M°. C°. L. iii. Et vicesimo tertio anno regnante domini Rogerio magnifico rege scicilie ducatus apulie . et principatus capue. Anno vero domini Guilielmi ejusdem gratie[a] gloriosissimi regis cum eodem domino et patre suo regnantis secundo mense julii prima indictio.[b] Breve recordationis atque convenientie : factum a me martino de avalerio qualiter habui altercationem cum domino romano abbate tremitane insule de quodam loco sancti andree qui dicitur in saccione. Unde regali precepto stetimus in civitate vestie coram domino Henrico de ollia et boamundo brettone regalibus justitiariis . et Riccardus de ollia, et gentile de caniano . et Guilielmo de gradunzone . et jonathas de iskitella. Et uberto de cavello comestabulo . ac sindolfo alfano et petro judicibus vestie aliorumque bonorum hominum testium subscriptorum. Unde nos altercantes venimus in finem . et bonam convenientiam . et voluntarie predictorum presentia per fustis traditionem remitto tibi domino romano abbati tecum recipientibus Grimo almo judice termole et Ruberto sclavo tuis advocatoribus. Corpus . sancte . ecclesie sancti andree in saccione . et decimas[c] et mortuorum hominum ibi habitantium. et tres vineas et ortum unum cum olivetis . et tantum de terra ut sufficiat tribus pariis boum . unum in iscla et duobus superius et tantum de terra vacua quod sit tertia pars castellarii circa ecclesiam . et tertiam partem de terris preter vineas . et ortos et edificium hominum . et ut vadam cum eo et suis posterioribus romam . vel beneventum . cum corredo monasterii . et reditu de equitaturis si mortue fuerint in eo servitio . et pro duobus reliquis partibus castellarii juravi sibi fidelitatem salva fidelitate domini regis guilielmi cum eodem domino et patre suo regnantis. Quapropter voluntarie ego quidem martinus Guadiam eidem domino romano abbati . et fidejussores Henricum de olla . et dominum Hubertum calvelli . et gentilem de caniano dedi . secum recipientibus predictis advocatoribus . ut si aliquo tempore . Ego vel meis posterioribus aut aliquis homo pro nostra parte aut pro parte filiorum urselli que predicta sunt movere voluerimus . componamus regales centum . et in antea vice semper taciti maneamus. Et nos predicti fidejussores tribuimus licentiam pignorare nos et nostros heredes sine compellatione : pignera licita et inlicita donec quod prelegitur adimpleatur. Scriptum quod scripsi ego sindolfus notarius eo quod interfui.

Deinde defensor sindolfus hec approbo censor.
+ Alfanus censor fateor nunc esse defensor. ,,,
+ Judex testatur petrus quod carta profatur.
+ Signum sancte crucis feci manibus meis. Ego boamundus britone regalis justitiarius.
+ Hoc signum sancte crucis feci propriis manibus meis Ego Jonathas iskitelle dominus.

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[a] B. sic. [b] B. sic.
[c] apparently *vivorum* omitted.

No. 11

T.R.R.

Place: None given; the events in question happened at Troia and in the presence of the abbot of Monte Cassino.

Notary: None given.

Description: Parchment not rectangular: a strip 13 cm. 8 mm. long, varying in width from 5 mm. to 3 mm. attached at the left hand bottom corner, has been cut off the bottom edge. Size: length 38 cm. 7 mm. (including strip where attached) on left hand side, 38 cm. 5 mm. (without strip) in the middle, 39 cm. 2 mm. (without strip) on right hand side, breadth 23 cm. 4 mm. at the top 24 cm. 5 mm. at the bottom.

Original ink is a pale yellowish brown. Ink used for corrections pale but black.

Hand: Small round Carolingian minuscule.

Contents: Record of a concord regulating their respective rights and mutual relations at Castiglione between John de Boccio and Rainald abbot of Monte Cassino. The abbot maintained that John held unjustly certain lands of the monastery, and obtained a royal mandate ordering the justiciars to hear his suit and do justice to the church. He sent representatives to the court held at Troia by the count of Civitate and the Justiciar Guimund of Montilari, but nothing was settled. John suggested a concord, which was, however, concluded not at Troia, but in the presence of the abbot.

Source: Archives of Monte Cassino. Ex chartis Civ. Troje. Caps. cxvi. Fasc. i. Num. i. Original A. MSS. copies. (1) enclosed with the original B. (2) Stefanelli: Memorie storiche intorno alla Città di Troja in Capitanata vol. ii. Documenti. Soc. Nap. di storia patria MS. C. Unedited. Cf. *Cal.* Nos. 37 and 45.

Ego johannes de boccio troiane civitatis habitator. Notum facio quomodo dum Dominus Rainaldus dei gratia cardinalis et casinensis venerabilis abbas adversus me querimoniam[a] movere[b] instituisset inquirens res . homines . et alias possessiones terrarum domuum et vinearum ad casinense monasterium pertinentium . quas me contra ejus voluntatem[c] in castellione et territorio ejus detinere dicebat . querelas antequam michi litem moveret . in conspectu domini nostri Regis deposuit. Qui solita pietate rationes ecclesie intelligens . ut[d] justitiam haberet precepit . et litteris justiciariis significavit ut utriusque partis allegationibus auditis et intellectis . ecclesie justiciam facerent. Qui [man]datum[e] domini regis exequi cupientes . ad eundem dominum abbatem ut de fratribus suis ad justiciam recipiendam si ipse adesse nequiret mitteret . litteris nunciaverunt. Quod ut audivit[f] . quosdam de fratribus suis troiam cum judicibus et aliis bonis hominibus direxit . et ut justiciam reciperent et facerent precepit. Qui venientes se curie presentaverunt . et adversus me in conspectu tocius curie agere ceperunt . ostendentes rationes ecclesie quas de predicto castellione ex donatione Roggerii ducis et confirmacione Willelmi ducis filii ejus et Gloriosissimi domini nostri Roggerii regis eo tempore quo dux erat. Quod ut curia audivit . jussit partem meam respondere. Ego vero consilio habito . quia dominus abbas [absens] erat[g] ipsius domini

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[a] A. *q^erimo^niā* in different ink, but the same hand as the concord, though less carefully written.

[b] A. *moue.* Abbreviation sign omitted.

[c] A. *voluntate.* Abbrev. sign omitted.

[d] *ut.* A. very indistinct. B. reads *et.*

[e] *[man]datum.* B. *mandatum.*

[f] *audivit.* A. *audiu.* Abbrev. sign omitted.

[g] *quia . . . erat.* A. *qa dn̄s . . . erat*; same hand but different ink, very much rubbed inserted above the line. B. *quia dns Abbas Casin, absens erat*, but there is not sufficient space for this.

abbatis presentiam requirere cepi. Post multa tandem hinc inde verba effusa . partem domini abbatis de concordia rogare cepi. Ipse etiam[h] comes de civitate qui cum justiciario Guimundo[i] de monte ilari curiam tenebat . uti concordia fieret . et curia non gravaretur . suadere cepit. Quod et ipse justiciarius suadebat. Pars vero monasterii per preces et suasiones concordie annuit. Sed quia pars mea quedam in concordia exigebat que his qui a domino abbate missi fuerant gravia videbantur . presentie ipsius abbatis supplicatione mea et interventu troianorum parentum et amicorum meorum concordia ipsa complenda ut firmior haberetur . servata est. Que concordia postquam ego jamdictus johannes ad prefatum dominum et venerabilem abbatem accessi . in sua presentia recitata et ab ipso recepta est. Ego itaque prenominatus johannes de boccio bona mea voluntate[j] promisi me daturum decimas[k] omnium terrarum et vinearum quas in territorio castellionis ego per me vel per alios laboravero. Promisi insuper tertiam partem omnium que pro anima mea vel uxoris mee et filiorum meorum . et majorum domus mee daturus sum ego et filii mei . et promisi me facturum ut omnes homines mei quos in territorio castellionis habeo vel habuero ego et filii mei dent[l] decimas omnium terrarum et vinearum quas per se[m] vel per alios laboraverint[n] in territorio castellionis . et oblationes mortuorum . et alias oblationes quas ecclesie dare debent[o] . et plateaticum . et facere hominum ecclesie . et eidem domino abbati sicuti ei alii homines sui faciunt. Et promisi me et filios meos ecclesie et ipsi domino abbati fidelitatem jurare si dominus rex permiserit. Promisi etiam me facturum . ut homines mei cum suis hominibus comuniter sint in servicio domini regis secundum numerum hominum quos ibi habuero . et ut comuniter servicium unius militis quod domino regi serviat . fiat . quem dominus abbas super se recepit pro servicio faciendo . de comuni tamen quod ab hominibus castellionis recipiet ego et ipse dominus abbas.[p] Et si in aliquo homines meos alleviare vel in totum (*sic*) de servicio retrahere precibus vel alio modo possim ita de hominibus monasterii sicut et de meis facerem. Quod et ipse dominus abbas michi vicissim promisit. Ipse vero dominus abbas hanc concordiam audiens et recipiens . concessit michi et filiis meis robberto et johanni . et nepoti meo roggerio filio robberti habere homines et omnia que modo habemus in castellione et in territorio ejus . et quod inantea juste acquirere poterimus in vita nostra tantum . Post mortem vero meam et predictorum filiorum meorum robberti et johannis . et roggerii nepotis mei jamdicti robberti filii . omnia supradicta homines videlicet cum omnibus pertinentiis eorum . et terre . et vinee . et domus . et omnia que ibi habemus vel inantea juste acquirere poterimus . revocantur in potestatem et dominium casinensis ecclesie . et in potestate ejusdem domini abbatis et successorum suorum . et rectoris qui eo tempore ibi prefuerit . sine contradictione et molestatione alicujus persone . exceptis rebus mobilibus quas ibi eo tempore ego et filii mei habuerimus . aut roggerius filius robberti . et exceptis frugibus si eo anno in campis

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[h] *etiam.* A. ⁊. B. *et.*

[i] A. *cum iusticiario G. ☞ mōte ilari.* B. and C. omit *G.* For extension into *Guimundo* cf. *Cal.* Nos. 31 and 45, and *Cat. Bar.* p. 582.

[j] A. *bona mea voluntate* inserted above the line in the same hand and ink as the document.

[k] A. after *decimas*, *et primitias* cancelled with a straight bar in a different ink.

[l] A. abbrev. sign over *ē* in different ink ; *t* is written on an erasure.

[m] A. *se* in different ink and apparently similar hand on half erasure under which '*alios*' appears.

[n] A. *laboraⁱⁱⁱt* : *ⁱⁱⁱut* in different ink, similar hand.

[o] A. *debent* : *nt* in different ink on erasure.

[p] A, *recipiet* : *ego ⁊ ipse dn̄s ab̄bs*, inserted above line in different ink and same hand.

steterint . vel in area collecte fuerint. Et postquam homines mei hominium ecclesie et domino abbati fecerunt[q] . habeant[r] potestatem emendi . vendendi . maritandi . et uxorandi cum hominibus castellionis infra ipsum castellionem. Michi quoque predicto johanni de boccio et filiis meis robberto et johanni . et roggerio filio ejusdem robberti[s] nepoti meo data erit potestas[t] emendi et vendendi cum hominibus castellionis infra ipsum castellionem et territorium ejus[u] postquam ecclesie et ipsi domino abbati hominium fecerimus si dominus rex permiserit.[v] Et de milite quem dominus abbas super se recepit . me a domino nostro rege quietum vocari faciet.

No. 12

1155. March, Ind. iii.

Place: Mottola?

Notary: Bonius, judge and notary of Mottola.

Description: Size 30 cm. 5 mm. × 18 cm. 2 mm. Parchment, thick Italian, margins irregularly cut, no ruling, usual distance between the lines, 6mm.

Hand: Carolingian minuscule, untidy and careless.

Contents: Concord between William of Lecce lord of Palagiano and Campus prior of S. Angelo of Casalrotto, concluded in the presence of Roger the Fleming royal constable and justiciar, concerning certain lands at Plano. The boundaries are recited and the signatures of Gosmannus, judge, Accarinus fil. Fulconis knight, Richard Buccarellus, and Falco of Palagiano are appended.

Source: Archives of Cava. Arca xxviii. No. 120. Original A. Unedited. Cit. Guerrieri: *Possedimenti temporali e spirituali dei Benedettini di Cava nelle Puglie*, p. 142. Haskins, p. 660, n. 226.

Ego Willelmus lippie dominator palajani affirmo hoc. Anno salutis incarnacionis domini et salvatoris nostri jhesu christi . dei eterni. Millesimo centesimo quinquagesimo quinto . mense marcii Indictione tercia. Ego Guillelmus licii . dei et regia gratia dominator palaini . una cum predicti[a] hominibus declaramus . quomodo litigia . et altercationes non parvas habuimus cum dompno campo priore sancti Angeli casalisrupti . de terris videlicet de plano . et earum finibus . adeo quod inter nos . de terris et illarum finibus conveniri non poteramus. Postea vero utraque pars . venientes ante presenciam domini Rogerii flandrensis Regii comestabuli . cujus provida . et justa arbitracione . nec non et aliorum bonorum hominum testium subscriptorum venimus in pacem . et bonam voluntatem . de predictis terris et earum finibus . de quibus litigia . et contenciones inter nos . et predictum priorem sepius evenerant. Ea . . . ejusdem domini Rogerii flandrensis Regii Justitiarii et comestabuli . et subscriptorum testium . qui nobiscum super ipsas terras earum fines videndos interfuerunt . justicia . et legis ratione hoc

[q] A. *fecerut*: no abbrev. sign. A. *ipse dn̄s abb̄s det eis* cancelled with straight bar after *fecerunt.*

[r] A. *habeant* inserted above the line in different ink and the same hand.

[s] A. erasure after *robb̄ti.*

[t] A. *data ipse ~~dn̄s abb̄s~~ erit potestas* probably read originally *dat ipse dominus abbas potestatem:* cancellation and insertion are in different ink and the same hand. B. has *dat*—not cancelled like three following words: either altered to *data* or cancellation intended. *Cal.* No. 45, repeating this record almost verbatim, has *potestas esset emendi*, etc.

[u] A. *infra . . . ejus* inserted in different ink and the same hand.

[v] A. *c̄pmiserit.*

[a] A. *p̄dicti.*

volente . et quod majus est preceptum domini Riccardi dapiferi Mutule . et palajani dominatoris . in presenti consequendo . pro eadem ecclesia . de predictis terris factum ab eodem Riccardi habet. Concedimus tibi dompno campo priori sancti angeli . et eidem ecclesie . tuisque posteris terras edictas possidere et colere . quantum videlicet nostro juri pertinet. Sed quia de ipsarum terrarum finibus sepius litigabamus . placuit nobis earum fines clarius et apercius denotare . quatinus inter nos et posteros nostros . nulla oriantur litigia . sed sit deinceps penitus sopita contentio. Fines igitur quarum terrarum hos dicimus esse. Ad partem austri subter[b] curtis finis[c] est gurges . qui vocatur lacus de churicii et ab eodem lacu . ab aquilone vadit ad petram que est juxta viam. Et ab hac petra vadit . de petra ad petram . usque ad petram antiquam . que est sursum ad jugonem . et post jugonem . vadit ad duos ferros. Et deinde pergit juxta ferrum majorem . qui est prope locum qui vocatur calcea. Deinde vadit ad palmentum recule[d] . et porticellum qui vocatur de Johanne achillea . quod si in aliquo tempore futuro nos nostrique heredes hoc factum et ordinatum per aliquod ingenium evacuare . vel infringere temptaveremus[e] voluntarie penam adhibuimus dandi eidem ecclesie . vel ejus rectori aureos regales quadraginta . tandemque in puplico . nobis deinde ad predicta invitis manentibus. Et causa eciam firmitatis et stabilitatis. Signum vivifice crucis propriis nostris manibus superius descripsimus. Et hanc exinde cartulam jussu et rogatione nostra scripsit Bonius Mutulansis Judex et notarius . qui interfuit ;—

Signum manus Gosmanni judicis.
Signum manus Accarini militis filii falconis.
Signum manus Riccardi buccarelli.
Signum manus falconis palajani.

No. 13.

1156. October 6, Ind. v.[1]

Place: Castellum Precine. (Apricena?)

Notary: Nichodemus.

Contents: Concord drawn up between Peter abbot of S. John *in Plano* and Berelmus, abbot of Tremiti, to terminate a long dispute concerning the sluice-gates of a mill on the River Caldule. Abbot Peter having refused to remove the *extortorium* which prevented sufficient water reaching the mill of the abbot of Tremiti, the latter lodged a complaint with Robert f. Malfridi *terre totius comitis Goffredi alesine camerario*, who summoned abbot Peter *ex parte domini regis et domini nostri Comitis Goffredi.* Finally a compromise was agreed upon in the presence of Gilbert, judge of Precina, Bartholomew, a judge, and the *boni homines.*

Source: Bibl. Naz. Nap. Cartario di S. Maria di Tremiti, xiv. A. 30 manoscritti f. 42 verso to f. 43 recto. B. For Bibliography cf. Appendix No. 10. Extr. Haskins, p. 646, n. 136, from the original in the Chigi Library at Rome, E. 6, 182, f. 55, A., which I have been able to examine. The chief variants from B. are noted below.

+ Anno dominice incarnationis millesimo centesimo quinquagesimo vii. Indictione v[a]. Regnante domino nostro Guilielmo gloriosissimo et invictissimo rege sicilie calabrie apulie et principatus capue . Anno . vii . regni ejus Mense octubris die . vi. Intrante. En ego petrus divina et apostolica gratia concedente sancti Johannis in plano

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[b] A. *subt⁹.* [c] A. *fimis.*
[d] A. *recl̄e.* [e] A. *tētauerem⁹.*
[1] On the dating of this document see the note to *Cal.* No. 39.

abbas. Clarefacio me habere quoddam molinum[a] aput caldulas cum omnibus suis pertinentiis quod molendinum dum sepe pro habundantia aque ingurgitaretur[b] per quoddam extortorium aquam extorquebamus ut molendinum aque habundantia non impediret.[c] queritur[d] berelmus tremitane ecclesie diuina gratia abas[e] videns quod aqua minueretur molendino tremitis quod subter molendinum sancti Johannis constitutum est per extortorium illud petens a me . ut eum claudere faceremus . quod omnino facere renui. Vnde quia hoc ego facere nolebam fecit proclamationem . Ruberto[f] malfridi filio terre totius[g] comitis Goffredi alesine camerario ut de me ei justitiam faceret . quo audito prephatus camerarius me ex parte domini regis et domini nostri Comitis goffredi summonuit ut ad terminum constitutum preparatus essem ad justitiam faciendam prephato tremitane ecclesie abbati in illo loco[h] unde litigium erat. Unde termino constituto adveniente curia domini nostri regis et comitis ordinata ambo ad supradicti litigii causam diffiniendam in curia supradicto loco advenimus ut judiciali diffinitione supradictum litigium finiretur. Quo facto berelmus abbas prephatus erga nos per advocatorem[i] suum obidium judicem civitatis proposuit actionem de forma caldulis fluminis quam invaseram et aperueram per me et per superpositas[k] personas. Unde ecclesia tremitana enudata et divestita sine legali judicio . restitutionem a me petens supradicte aque quam silicet[l] aquam suam probare posse promittebat judiciali diffinitione ad quam actionem ego satisfacere cupiens consilio accepto nostrorum amicorum et ecclesie fidelium per nostrum advocatum ammardum[m] respondi . negans primo loco invasionem sed quod accepi prout meum accepi promittens ostendere probationem qualiter nobis supradicta aqua pertineret. Ad quod prephatus obidius domini abbatis berelmi advocatus e contra respondens dixit licet vestra esset supradicta aqua tamen ecclesia tremitana investita juste vel injuste devestiri et denudari sine legis[n] judicio minime debuit . cum juste tenuit . et judiciali diffinitione. Ad quod prefatus noster advocatus econtra respondit petens probationem quod ecclesie tremitane supradicta aqua pertineret judiciali diffinitione[o] . ad quod judices qui in curia ordinati fuerant causam diffiniende litis accepto consilio ceperunt proferre sententiam. Vnde prefatus camerarius utramque partem diligens et ut discordia[p] inter me et supradictum ecclesie tremitane abbatem non ampliaretur . sed penitus tolleretur cepit nos ad concordiam provocare. Quam ob rem ego accepto consilio nostri propositi roscemanni et omnium nostrorum fidelium amicorum ejus dictis acquievi et prephatus abas[q] suorum fidelium hominum et advocatorum suorum[r]. cunctorum amicorum ecclesie qui ibi aderant consilio[s] accepto similiter camerarii dictis acquievit cujus postmodum litigii talem firmavimus concordiam coram Guiliberto[t] judice precine . et bartholomeo judice et aliis bonis hominibus qui subterscripti sunt . ut extortorium illud prephatus abbas berelmus ab has[u] muro claudere tali modo ut fenestram unius pedis in longitudine et unius pedis mensura in latitudine ibi dimitteret tali quidem loco ut omni tempore plena aqua currat ne ecclesia sancti Johannis supradicte concordie amodo fraudulenter[v] mensura vero pedis ad quam fenestra mensurari debet in cartula ista descripta est unde ad judicem[w] causa supradicte concordie cartulam confirmandi penam posuimus talimodo . ut si ego vel mei decessores[x] supradicte

[a] A. *molendinum.* [b] B. *ingᵛgarentur.* [c] A. *aque non impediret abundantia.*
[d] B. *qr.* [e] A. *abbas.* [f] A. *Roberto.*
[g] A. *totius terre.* [h] A. *in loco illo.* [i] B. sic.
[k] A. *subpositas.* [l] A. *scilicet.* [m] A. *aimardum.*
[n] A. *legali.* [o] A. *judiciali diffinitione pertineret.* [p] B. *discordiā*, A. *discordia.*
[q] A. *abbas.* [r] A. has *et* after *suorum.* [s] A. *consilio aderant.*
[t] A. *Giliberto.* [u] B. sic *ab has*, possibly for *abbas* repeated, not found in A.
[v] A. *fraudetur.* [w] A. *Unde ad invicem.* [x] A. *postdecessores.*

concordie pactum qualicumquemodo vel cartulam pacti[y] infringere . vel irritam facere voluerimus componamus solidos . c. medietate ecclesie tremitane aliam vero medietatem in lesinensi curia. Quam cartulam pactus[z] et concordie te nichodemum[a] notarium scribere rogavi acta in castello precine mense et indictio[1] suprascripta.[b]

+ Ego Petrus abbas signum hoc mea propria scripsi. + Testor in hac certus carta judex gilibertus ÷|÷ Malfridi filius Robertus testis sum inde certus. + Signum crucis proprie manus Johannis de pantano militis.

No. 14.

1157. November, Ind. vi.[1]

Place: Barletta.

Notary: Costa royal notary : he is not mentioned by K. A. Kehr. *Urkunden.*

Description: Size 24 cm. 2 mm. × 26 cm. 2 mm. : ruling with a dry point : distance between lines 8 mm. : rectangular : right hand margin worn away.

Hand: Beautiful Carolingian minuscule resembling diplomatic minuscule.

Contents: Geoffrey of Molfetta and Jonathan of Venusio royal judges of Barletta sitting on royal business in the church of S. John of the Hospital at Barletta in th presence of Bersacius master chamberlain of all Apulia and the Terra di Lavoro, decided under the direction of Bersacius, who received a royal writ explaining the nature of the case, a dispute between the men of Corato and their lords as to aids and rights of alienation of property. The suit was decided in favour of the men, by the judges with the assistance of Roger the Fleming and Peter of Castronuovo and other barons.

Source: St Arch. Nap. Pergamene di Corato No. 37 (in the Repertorio it is numbered 36). Original. A. Cit. Chalandon ii. 686. Haskins, p. 645, n. 134.

+ IN NOMINE DEI ETERNI et Salvatoris nostri jhesu X̄pi. Anno Incarnacionis ejusdem Millesimo centesimo quinquagesimo octabo et octabo Anno Regni Domini nostri Gulielmi Gloriossissimi[a] Regis Sicilie ducatus Apulie ac principatus capue Mense Novembris. Indictione sexta. Dum nos GOSFRIDUS Melficte[b] et Jonathas Venusie[c] et barolis Regales Judices pro Regiis agendis residemus In ecclesia sancti Johannis ospitallis Baroli coram domino Bersacio Magistro camerario totius Apulie et terre laboris congregata Regali cura ibique adesse[nt] Dominus Rogerius flandrensis et Dominus Petrus de castro novo reliqui quoque Barones et judices, Homines caurati Venientes eidem domino camerario a regis [majestati] litteras detulerint Quibus ipsi camerario injungebatur ut de querelis Regie celsitudine[d] super Barones ab ipsis depositis studioso dis . . . . . in ipsis namque Regiis litteris continebatur quod homines caurati sancte Regie Majestati properantes de baronibus dominis suis clamorem deposue[rant] . . . [adjutorium] ab ipsis querebant quod non erant soliti dare. et de rebus post assignationem feudorum acquisitis eos alienare prohibebant Alias . . . . . ducebant ultra ordinationem

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[y] A. *pacti cartulam.* [z] sic B. [a] A. *nicodemum.*

[b] B. sic. A. *Indic̄ sup^{a}noiat.*

[1] On the dating of this document see the note to *Cal.* No. 39.

[1] sic.

[b] A. *Melf̄*: Molfetta is more likely than Melfi for the origin of a judge of Barletta.

[c] sic ; better *Venusii* as in the signature. Cf. *Cat. Bar.* p. 571, art. 4, *Guido de Venusio;* p. 572, art. 29, *Ferraczanus Venusii*; so too *Robertus de Venusio*, royal justitiar and constable in the Terra di Bari in 1192 (Crudo, *SS^{ma} Trinità di Venosa*, p. 254).

[d] sic.

feudorum ascriptam. Dicebant enim tempore se assignationis per singulos annos certis redditibus fuis[se ascriptos]. . . . . regiis litteris et bene cognitis idem Dominus camerarius omnes Barones caurati in regalem curiam convocare fecit. et facta appell[atione] . . . . . ab hominibus caurati sicuti superius dictum est. Predicti Barones respondentes dixerunt nunquam ab ipsis hominibus [adjuto]rium ques . . . . . ultra modum imposuisse. Sed juxta discrimen Regalis curie cum ipsis inde juste et pacifice vivere . . . . . que Dominus cam[erarius]. . . . . nostro intuitu lis pribata terminaretur. Nos igitur consilio Dominorum Rogerii flandrensis et Petri de castronovo aliorum quoque Baron[um] . . . . . sident . . judicavimus homines caurati certis redditibus ascriptos per annum Baronibus adjutorium dare non d[ebere] et res po[st assignationem feudo]rum libero modo acquisitas sine obstaculo alienare posse. Hujus vero nostri judicii memoriam COSTE Regali notario Qui interfui[t] . . . . . ta scribere mandavimus.

+ GOSFRIDUS qui supra Regalis judex.
+ EGO Jonathas . Venusii . et Baroli Regalis Iudex Hec dicta . . . . . firmo.

No. 15

1168. June, Ind. i.

Place :——

Notary : Adenulf.

Description : Size 34 cm. 2 mm. to 35 cm. 5 mm. × 23 cm. 4 mm. to 22 cm.: margins irregularly cut, no sign of ruling, but lines regular at an almost constant distance of 9 mm.

Hand : Carolingian minuscule—small.

Contents : Verification of the boundaries of a coppice at Prata, made in the presence of the judges Regitius and Manasses at the request of Blasius Sacerdos, appearing on behalf of Peter of Revello. In support of his request he produced an instrument of William fil. Angerii, chamberlain of king Roger, assigning the boundaries of the coppice which had been granted to Peter by king Roger as a reward for services rendered. In addition to the instrument three witnesses appeared to declare the boundaries.

Source : St. Arch. Nap. Perg. Mon. Sopp. ii. No. 127 bis. original A. Unedited.

+ In nomine domini anno Millesimo centesimo sexagesimo octavo ab incarnatione domini nostri jhesu christi mense junii et Regni autem domini nostri Willelmi dei gratia magnifici Regis anno secundo de mense madii [1] indictione prima. Scriptum pro futuri temporis memoria est emissum a nobis Regitio et manasse judicibus de hoc quod in nostra et aliorum hominum presentia Veniens blasius sacerdos pro parte domini petri revelli [2] ostendens instrumentum continens quomodo preteritis annis Guillielmus filius angerii [3] qui tunc temporis camerarius erat domini nostri gloriosissimi regis Roggerii beate memorie eidem domino petro de revello ex jussione et mandato nominati regis quandam cesinam in loco ubi prata dicitur assignaverat per suos fines . quam cesinam memoratus dominus rex roggerius dicto domino petro donaverat propter sua bona servitia sicut in instrumento continebatur. Insuper autem carta de assignatione facta per predictum camerarium adduxit tres idoneos testes videlicet Johannem portaurie.

[1] William I died May 7, 1166, and William II was acknowledged as king two days later. Cf. H. F. p. 89, nn. 1 and 2.

[2] *Cat. Bar.* p. 599, art. 991.

[3] *Ibid.* p. 596, art. 898; p. 585, art. 493.

Johannem constantini . et Johannem de landulfo rotunde qui singillatim peranbulaverunt coram nobis ipsam cesinam sicut assignata fuerat per hos fines . a prima parte est via vetus que venit de montenigro usque ad illam viam que vadit per canpitellum de meleta. A secunda parte incipit ab ipsa via de predicto canpitello . et vadit recte usque ad magnum[a] cerrum quam inciderat prefatus Johannes portaurie. A tertia parte incipit ab ipso[b] cerro que vadit per vallonem descendendo usque ad mensam regine. A quarta parte assendit[c] per vallonem de cerrito usque in finem priorem . et dicebant dimisisse sex passus secundum quod ipsi domino petro assignatum fuerat per supradictum camerarium . et exinde ad sancta[d] dei evangelia juraverunt sic esse verum. Sicuti peranbulaverunt et testificati sunt. Nos vero Judices hoc viso intellecto et cognito tam per instrumentum quam et per testes et ne aliquando oblivioni traderetur tibi adenulfe notarie qui interfuisti . ad partem domini petri de revello et suorum Heredum taliter in scriptis redigere precepimus.

+ EGO QUI SUPRA REGITIUS JUDEX +
+ EGO QUI SUPRA MANASSES JUDES.[e]+

NOTE

ON THE ABSENCE OF ANY SYSTEM OF ITINERANT JUSTICES IN APULIA AND CAPUA.

'To the student of Anglo-Norman institutions,' Professor Haskins writes, 'the most interesting aspect of the judicial organisation of the Sicilian kingdom is the question whether there existed a system of itinerant justices.' This question has been raised by most of the recent writers on South Italian and Sicilian institutions, from somewhat various points of view. Caspar regards the justiciars instituted by Roger II. in Apulia and Capua as well as in Sicily as members of a board travelling through the country without definite circuits, and tacitly, though not perhaps explicitly, suggests that they were itinerant members of the *curia*. Chalandon goes further and considers that they were at first temporary delegates of the *curia*, successors in some sort of the commissioners who were sent to administer justice or make inquests under the regency of Adelaide and in the early years of Roger II. Only by degrees did they become fixed as local justiciars with definite circuits some time in the reign of William II. He does not, however, assert in so many words that the same men were central and local justiciars, a view which is adopted by Ernst Mayer. Originally, in the opinion of this writer, the justiciars were employed not only at the central court, but were also sent to administer justice in the provinces. Gradually a distinction appeared between the ordinary justiciars, who became fixed in the provinces, and the three master justiciars who remained at the central court, or *magna curia*, as it came to be called. These three master justiciars, however, had besides provincial functions, for they were employed respectively as master justiciars of Apulia and Capua, Calabria, and Sicily, and complete separation of functions was only achieved in the Hohenstaufen period. Such, in outline, seems to be Mayer's

[a] A. sic.
[b] A. sic.
[c] A. sic.
[d] A. *ad sc̄i dī evangelia.*
[e] A. sic.

argument, but it is rendered valueless by an unfortunate misreading of dates and evidence and by the confusion between the master justiciars of the *magna curia*, and the master justiciars in the provinces, for these two groups differed in numbers and duties and the same individuals never served in both. So far as Apulia and Capua are concerned, Mayer's contention must be rejected, but if a careful distinction is made between the judicial system in Sicily and on the mainland, it may be admitted that in Sicily the same justiciars performed central and local functions perhaps as late as the reign of William II. It is, however, hard to decide whether central justiciars perambulated the provinces or whether provincial justiciars on occasion sat as judges of the central court, but there is scarcely space in a paper on the institutions of Apulia and Capua to discuss in detail a question concerning the organisation of Sicily.

Professor Haskins, the most recent writer on the subject of a connexion between the central and local systems, approaches the question from a fresh point of view: he recognises that the justiciars instituted by Roger II. 'are, or tend to become, justices for a particular district, and while they hold court in different towns of the region, their functions did not in themselves involve any closer relations with the central *curia* than is implied in the transmission of the royal writs under which they acted.' At the same time he is unwilling to abandon the itinerant principle and asks: 'Can we follow justices through different parts of the kingdom, or, better yet, can we see justices of the *magna curia* also holding local court? The evidence is not abundant, but it is clear, and so far as it goes seems sufficient to establish the existence of such a connexion of the *magna curia* with the local administration.' The evidence from documents on which Professor Haskins relies belongs entirely to the reign of William II. and it falls into two groups: the records of courts held at Messina in 1168 and 1185, and the cases heard by Robert of Loritello and Florius of Camerota in connexion with the judicial system on the mainland. Besides the documentary evidence, Professor Haskins seeks to strengthen the case for itinerant justices by reference to the presumed needs of the government, and by the analogy of the financial administration. Once more space is lacking for a discussion of the interpretation placed by Professor Haskins on the Sicilian documents of 1168 and 1185, but this is the less to be regretted since he appreciates fully the differences in Sicilian and Apulian usage. It may, however, be noticed in passing that the courts of 1168[1] and 1185[2] were sessions in one form or another of the *magna curia* as the central court of justice, and not as itinerant in the provinces.

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[1] Cod. Vat. 8034 f. 30. Judgment pronounced at Messina in Feb. 1168 by Roger archbishop of Reggio, William bishop of Anglona, John bishop of Malta and Tustain bishop of Mazzara in a suit between the Canons of Bagnara and the monks of S. Euphemia in Calabria. The latter were accused of attacking repeatedly the property of the Canons, thereby breaking the king's peace and the injunctions of Hugh count of Catanzaro, the master justiciar and constable of all Calabria. A mandate of William I. had ordered the justiciars of Calabria Andrew Cafurnus and Matthew of Salerno to try the question, but the monks of S. Euphemia still proved obdurate. The bishops then received a special commission from William II. to pronounce a final sentence, a method of procedure not infrequently adopted in prolonged suits between ecclesiastics. The master justiciar of the *magna curia* Abdenagus filius Anibalis was present at the court held by the bishops at Messina, the residence of the king, and it must be regarded as a special session of the central court.

[2] Cod. Vat. 8201 f. 11. In March 1185, while *Sanctorus Magnae Regiae Curiae Magister Iustitiarius* was holding a court in Messina *more solito*, Ninphus Archimandrite of S. Saviour of Messina brought a suit under two different heads against Bartholomew de Parisio. The previous history of the case is not told at length, but there had already been litigation between the parties, so that it seems likely that the matter was brought before the *magna curia* when there had been

The cases of Robert of Loritello and Florius of Camerota on the other hand demand a thorough analysis. The record of the activity of Robert belongs to the year 1175 and purports to set out a suit heard by him at Aterno (Pescara) with the assistance of two judges of the *magna curia*, Master Peter and Master Thomas of Carbonara, and a number of counts, barons, and knights. There is frankly something suspicious about the document,[1] both from the diplomatic and the historical point of view. On diplomatic grounds it may be urged in the first place that the addition of the numeral to the title of king William : *regnante Domno nostro Rege Guilielmo Secundo* is abnormal in a contemporary document. Again the description of Robert : *Nos Robertus Palatinus Comes Rotelli magister iustitiarius* may be compared with that in a grant of his, issued in 1173,[2] 7th king William, Feb. Ind vi. *Robertus dei et regia gratia palatinus Comes lorotelli et Cupersani Comes filius et heres domini Roberti cupersanensis Comitis bone memorie*, and with two other grants of 1174[3] and 1179,[4] where the form is identical. It is of course possible that Robert might leave out the reference to his father in a judicial decision, but *dei et regia gratia* would scarcely be omitted. It has already been pointed out by K. A. Kehr that the salutation in the mandate of William II. which is embodied in the document, is unique for the Norman period : it runs *gratiam suam et bonam voluntatem*, instead of *salutem et dilectionem*, the regular form till the time of Constance.[5] Further the king omits to describe Robert as *fideli suo.* Leaving the diplomatic side of the question, Robert's qualification as *magister justitiarius* is the first point that needs explanation. What does it imply ? It may be regarded as certain that he was not a master justiciar of the *magna curia*, because there is no record of his activity as such, and the list of the master justiciars of the *magna curia* is tolerably complete for the reign of William II. They were, too, always men of lower rank than the count of Loritello, with a professional training. Again there is no record that he ever held the office of master justiciar of Apulia and the Terra di Lavoro, an office for which his rank would no doubt have qualified him. The designation of *magister justitiarius* without further specification does not occur outside this document, and it is most ambiguous. It is possible that it is used in reference to the wide powers of private jurisdiction that the counts of Loritello enjoyed as palatine counts. We know that Robert appointed his own justiciars to act on his behalf,[6] and the Chronicle of Carpineto describes his judicial

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defect of justice. Sanctorus pronounced a sentence in favour of the archimandrite, and the archbishop of Monreale presented it to the king, who graciously confirmed it and ordered Sanctorus to execute it. The court here described seems to be a regular session of the *magna curia* held in Messina, because the king in all probability was there. Not only is his confirmation of the sentence spoken of, as if he were close at hand, but we know certainly that he was there on April 2. (Garufi, *Documenti*, p. 209.)

[1] It is preserved at Monte Cassino in an early copy which unfortunately I did not see. It is printed in slightly varying forms in Gattola : *Historia Abb. Cass.* i. p. 142 and *Accessiones* i. p. 265. The former seems on the whole the better version but in the signature of Master Peter, *Magister Curie judex* should read as in the *Accessiones*, *Magne Curie judex.* Cf. the quotation in Haskins, p. 649, n. 154.

[2] Arch. St. Nap. Perg. Mon. Sopp. ii. No. 156.

[3] Cod. Vat. 8034 f. 32 r.

[4] Bibl. Naz. Nap. Cart. di S. Maria di Tremiti f. 61 r.

[5] K. A. Kehr : *Urkunden* p. 256 and n. 5 ; p. 330, n. 2.

[6] Bibl. Naz. Nap. Cart. di S. Maria di Tremiti f. 61 v. *Ego leonasius eiusdem domini palatini comitis Justitiarius ;* Ughelli-Coleti x. Chron. Carp. col. 371 . . . *Comes Loretelli misit Cualertum de Castilione & Theodinum de Aversa suos Justitiarios curiam celebraturos.*

activity after he was restored to his county: it even mentions at great length a suit which he heard at Aterno.[1] Nevertheless there is little resemblance between the language of the chronicle, which says that he gave orders *ex regia et sua parte*, and the document under discussion, which does not even suggest that he held the county of the king. Again the qualification of Master Peter and Master Thomas of Carbonara as *judices magne curie* is unknown at this period. Nowhere else are judges as distinguished from justiciars of the *magna curia* found under the Norman kings. Once more, the expression *juratus* used in reference to the notary is quite abnormal in the passage: *Unde . . . ad majorem cautelam Ecclesie presens scriptum per manus Robberti notarii nostri Curie juratus jussimus scribi.* The document exists only in an early copy, and everything goes to prove that it was drawn up on the basis of perhaps a genuine document of the 13th century, since it agrees closely with the forms and institutions of that period, and in no way with those of the previous century, to which it purports to belong. Whatever be the true explanation, the judgment of Robert of Loritello cannot be accepted as it stands, and it cannot serve as a foundation of the theory that members of the central court perambulated the provinces of Apulia and Capua.

The history of Florius of Camerota has already been described at some length,[2] and only a brief recapitulation of the facts is necessary here. In 1150 Florius with the title of royal justiciar was present together with his colleague Lampus of Fasanella at the hearing of a suit brought before a great court held by king Roger at Salerno, and in 1151 both justiciars heard a repetition of the suit, likewise at Salerno, but this time in the court of the strategotus and judges of the city, the king not being present. In 1165 Florius was in exile; in 1168 he had returned, and was a member of the great court at Messina that tried Richard of Mandra; in 1172 he was hearing suits once more in the Principality, at Salerno, at Laurino, and at Eboli, with a new colleague Luke Guarna, and during that year visited the *magna curia* sitting probably, as will be explained later, at Salerno. In 1176 he went to England as a member of the embassy that arranged the marriage of Joanna with William II.; in 1177 he was once more in the principality, and, together with Luke, condemned the rustics who killed the abbot of St. Benedict of Fajano. After this we hear nothing more of Florius. The Catalogue of the Barons gives the information that he held much land in the principality, a fact that agrees with the general rule that justiciars were land-holders in the districts they administered. There seems absolutely no room for doubt that Florius was a local justiciar in the principality; it is, however, somewhat difficult to know what is Professor Haskins' precise view of his office here, for he writes: 'Another example is that of Florius of Camerota, who is found as justiciar in the region of Salerno between 1150 and 1178,' and goes on immediately to insist on his close connexion with the central court. It would seem, however, in accordance with the general line of argument used by Professor Haskins in this paragraph, that he regards Florius primarily as a member of the central court, and consequently sees in his presence in the principality a striking example of the activity of a member of that court as an itinerant justice. The close relations of Florius to the royal *curia* are evident and abundantly proved, but the conclusion which is drawn as to the nature of his position in the region of Salerno does not by any means necessarily follow. The facts seem to show conclusively that when he was acting as a justiciar in the region of Salerno he was acting as a local justiciar, for his colleague was, in every case known to us, likewise a native of the district and a land-holder there, as was Florius himself. The first colleague Lampus was in office before Florius joined him, and Luke

[1] *Ibid.* [2] Supra pp. 365 *seq.*

remained in office long afterwards, with apparently a fresh justiciar, William of San Severino, again a land-holder in the region. It would assume an immense amount of organisation of the *magna curia*, and an immense staff of justiciars, if a native of the district were always chosen as itinerant justiciar.

The nature of Florius' connexion with the central court needs further examination. In 1168, it has been seen, he took part in the trial of Richard of Mandra at Messina, but from the words of Hugo Falcandus it is not clear whether he was reckoned among the large body of counts or with the master justiciars, Judex Tarentinus and Abdenago, son of Hannibal.[1] It is by no means impossible that Florius should have been a master justiciar at this moment, because his tenure of the post of local justiciar at Salerno must have been interrupted by his exile in the year 1165, and he may, on his return to favour, have occupied a post at the central court. However this may be, his tenure could only have been a short one, for by 1171 the master justiciars of the *magna curia* are Judex Tarentinus, John Burdonis, and Bartholomew de Placia,[2] and more than three are never found at any one time. He had therefore vacated the office, if he ever held it, before 1172, when we know he had returned to the principality. In this year he played an active part in establishing the customs of Corleto, and Professor Haskins lays stress on his relations, during this case, with the central court. An examination of the circumstances recorded serves, however, it would seem, to establish the fact that it was only as a provincial justiciar that Florius was present at the *magna curia* at this time. In May the royal justiciars Florius of Camerota and Luke Guarna were holding a court *apud Salernum pro quibusdam regiis agendis.* This is the usual type of formula employed by the local justiciars to show that the court was a royal one. On this occasion they received at the hands of the men of Corleto a writ, addressed to them by name, from King William, stating that the men of Corleto complained of the unlawful services imposed by their lords, and ordering the justiciars to hold a court, summon the parties, and settle the matter *ut . . . pro defectu justicie amplius inde curie nostre querimoniam non deponant.* It should be noted that this mandate was dated May 17th at Canosa, during a rare journey of William II. on the mainland.

The lords of Corleto, all but one, attended on the appointed day: the customs were declared to the court by the men, reduced to writing and agreed to by the lords who were present. Since, however, one of them was absent, and Florius was a very short time after holding a court at Laurino, at which the absentee was found, the customs were again viewed and conceded in the presence of the justiciars. After this second concession of the customs the men of Corleto once again, we are told, travelled to the *magna regia curia* and requested that the customs should be shown to the justiciar and reduced to writing. The first journey to the *magna curia* had been to get the writ. The record proceeds: *Curia vero eorum petitiones admittens precepit michi Florio predicto in eadem regia curia existenti eorum consuetudines que ab ipsis dominis eorum concesse sunt insimul cum domino Luca guarnerio socio meo in scriptis redigere iuberemus ipsis omnibus tribuentes quas nos ex precepto magne regie curie scribere precepimus.*[3] Florius indeed attended this royal court, but it is plain from the language which he uses in this passage, that he was not a regular member of it. It may be urged further that the *curia* which Florius attended was sitting at Salerno or Capua because, as has been noticed,

[1] Supra, p. 366, n. 2.

[2] Doc. p. servire alla storia di Sicilia, xvi. 2, p. 31.

[3] The customs were solemnly granted by the lords and expounded by order of Florius, at a court at Eboli.

William II. was travelling on the mainland. On May 17 he was at Canosa, he then went to Capua and Salerno, where he remained during the first fortnight of June.[1] Even as late as the end of this reign, the *magna curia* had not wholly abandoned its ambulatory character, although it was tending to become fixed in Sicily, because the court oscillated for the most part between Palermo and Messina. The government still followed the king, since the royal writs are issued from the place of the king's actual residence. It may perhaps be objected that since the mandates were issued in the name of the king, and not in that of the master justiciars, these may have remained constantly in Sicily. Against this contention it must be said that in accordance with the extant evidence, the master justiciars at this period held their sessions at the place of royal residence: consequently they may presumably have visited the mainland at rare intervals, though we have no record of such a visit, but they would still be members of the central court and in no sense itinerant justiciars. In the case under discussion then, it is extremely probable that the *magna curia* attended alike by the men of Corleto and by Florius was held at Salerno: indeed there is no time allowed by the narrative of the suit for a visit to Sicily. Finally it may be suggested that had Florius been one of the 'justices of the *magna curia* also holding local courts' it would not have been necessary for the men of Corleto to appeal in the middle of the suit to the central court.

After accepting the evidence of these two cases of Robert of Loritello and Florius of Camerota, as the basis of his view of the connexion between the local and central judicial system, Professor Haskins turns for further illustration to the practice of the financial administration, though he admits that the association of justice and finance was less close in the Italian-Norman than in the Anglo-Norman system. The history of the development of the financial administration under the Sicilian kings is not a little interesting, but it does not tend to confirm the value of analogies between the judicial and financial systems. In the fiscal organisation of the island of Sicily, it would seem that the members of the central bureau, the σεκρετικοι or masters of the *duana*, also controlled the *bajuli* and local finance generally. In Apulia and Capua on the other hand, the fiscal administration established by king Roger at the conquest was on a territorial basis with local chamberlains acting in a restricted sphere, and this system was further developed under William I. when provincial master chamberlains were introduced. After 1170 it appears that the financial administration in both parts of the kingdom was approximated, for the provincial master chamberlains disappear and the control of the ordinary chamberlains is vested in the masters of the *duana*. It appears too as if a parallel approximation was taking place in the sphere of justice, but in the contrary direction, so that while the fiscal control of island and mainland alike was vested in itinerant members of the *duana*, the judicial system in Sicily became territorialised to a certain extent after the pattern of the mainland. Thus, while the same justiciars for long exercised both local and central functions in Sicily, very gradually local justiciars with a territorial title begin to be distinguished from the master justiciars of the *magna curia*. Provincial master justiciars like those of Apulia and the Terra di Lavoro and of all Calabria, do not, however, emerge in Sicily under the Norman kings, and for the very reason that Professor Haskins uses to support the itinerant principle on the mainland. The monarchy became less and less ambulatory, consequently the central machinery of government was fixed in Sicily, and in a country of such small extent, provincial officers were not needed. It is plain that king Roger contemplated this line of development

[1] B. Nos. 185 and 186.

from the outset: Sicily was to be the head of the kingdom and the usual place of royal residence, consequently the mainland was organised from the outset as a province with local officials, a system perfected under William I.[1] It seems that the failure fully to appreciate these circumstances has led Professor Haskins to lay too much stress on the need of itinerant justice, and consequently on the indebtedness of Roger II. and his successors to the Anglo-Norman system. The origin of the connexion between the local and central justiciars in Calabria and Sicily may with great probability be found in the Byzantine system of Calabria, and though Roger must indeed have been aware of contemporary practice in England and Normandy, it was a greater debt that he owed to Byzantium; in conclusion his own genius in adapting and shaping institutions to the particular needs of his dominions must once more be emphasised.

[1] The development of the central government in Sicily is a subject that needs fuller investigation than it has as yet received. The above is only a tentative sketch of the lines of growth.

PAPERS OF THE BRITISH SCHOOL AT ROME.
VOL. VI. NO. 7.

ROME IN 1622.

BY A. H. S. YEAMES, M.A.

THE following description of Rome, as it appeared to the eyes of an English traveller in 1622, is taken from an MS. diary in the British Museum (Harl. 6867), which occupies folios 27–40 of a quarto volume of miscellanea. The writer's name is unknown, but it may be conjectured that he was a Roman Catholic.

The diary opens with a description of the Medici chapel at S. Lorenzo in Florence, which was often reckoned by English travellers among the wonders of Italy. The author goes on to give an account of a fund established by the Grand Dukes Ferdinand and Cosimo II. in order to give dowries every year to seventy poor maids. The money for the fund was provided by economies in the Dukes' funerals who wished, says the diarist, to be buried like poor men. After a visit to Pisa and Leghorn, where contrary winds prevented him from going by sea to Rome, our traveller went there by the usual posting road through Siena and Viterbo. He entered Rome on the 11th March, 1622 and on the following morning had the good fortune to be present at the canonisation of five Saints, among whom were St. Ignatius Loyola, St. Francis Xavier, St. Philip Neri, and St. Teresa. The diarist did not give himself much time in Rome and already on the 28th March was on his way back to Florence by the same road.

At Radicofani he has a word of praise for the 'verie faire ine built by fferdinand the gran duke,' which was admired a few years later by Raymond[1] and more than a century afterwards by Northall,[2] who describes the 'large and well-built inn, with a chapel in one part of it, erected by the great duke for the convenience of travellers.'

From Florence the diarist travelled by way of Bologna, Parma, and Milan to Turin. Thence he crossed the Mont Cenis, which does not seem to have alarmed him as much as it did Horace Walpole and Gray, but it is true that their crossing was made in November. He passed rapidly through France and arrived in London on the 28th June.

The nameless diarist is typical of the English traveller of his age in the ingenuous confidence, perhaps still not unknown, with which he accepts such astonishing stories as that the bronze pine-cone, now in the Giardino della Pigna of the Vatican, once held the ashes of Hadrian. He is typical too in his unmeasured wonder at the magnificence of the Roman palaces and churches, in his naïve delight in the waterworks at the villas, a delight shared even by men like Montaigne, and in his want of any training in artistic taste. The last quality was rarely possessed by English travellers before the 18th century.

Yet with all its faults the description is perhaps worth printing. It is a record, honestly set down, of the impression which the Rome of the 17th century made upon an average Englishman of his age. He saw Rome just after the death of Paul V had put an end to a pontificate scarcely less distinguished for building than that of Sixtus V, the creator of the modern city. With the election of Gregory XV came the short but splendid episode of Cardinal Ludovisi, the great collector. Very soon was to follow the magnificent rule of the Barberini. In this Rome of Baroque at its height, the Rome of Bernini and his friends and rivals, our traveller may well have felt no less bewildered than many a modern successor, who wilfully turns from the artists, who in their buildings and sculpture have stamped themselves on Rome, and still finds in the contemptuous judgment of Burckhardt's Cicerone the sentence of a final court of appeal. In my copy of the diary I have left the spelling unaltered and have only inserted a stop here and there to make the sense clearer.

[1] Itinerary containing a Voyage made through Italy (London, 1648), p. 58.
[2] Travels through Italy (London, 1766), p. 111.

[f. 31 v.] 11 [March 1622] In the morning we came to Roome. This way for the most parte was a stonie and very hillie way.

12 [March] We sawe the Canonizacon of 5 Saints viz. Isidoro di Madrid, Ignatio di Loiola Spagnolo, Francesco Xaviero di Navarra, Teresa di Giesu, Filippo Neri Fiorentino, and this was solomly performed by the Pope, the Cardinalls of the Court, and many other Church men.

The Church of St. Peeter is the strongest and most goodlie building of the world, and within it is the sepulcher of St. Peeter and St. Paule with many other things of greate note.

The Pallace of the Pope is both large and bewtifull, soe that it seemes a little city. Within it are [f. 32] many brave fountaines, faire and antient statures, gardaines, and many longe galleries with divers other bewtifull ornaments.

Ther is a most faire librarie which is a Crosse buildinge, verie ritchly painted and well stored with antient Manuscripts, amongst which ther is some writ in the barke of trees, some Arabian Caracters in pap of silke, and the difesa of Henry the eight, kinge of England, against Luther.[1]

The Popes Chambers are verie ritch hunge with redd velvett and laced with broad gold lace, many reare Pictures and other ornaments.

Ther is a rare shipp at one of the fountaines which hath 25 little ordnances on a side, and with turning a Cork doe discharge water and make good reports, as if there weere powder.[2]

[f. 32 v.] Ther is also in this Pallace a Pine apple of brasse, which Adrian the Emperoure made to keepe his ashes in.[3]

In the Pallace of Cardinall ffernese are divers rare figures in one stone. Ther is Zetus and Amphion, who to revenge their mother of a ladie, her great enemie, doe tye the ladie by the heire of the head to a wild bull. This is a peece esteemed at 200,000 pounds.[4] Ther is

[1] These were among the curiosities usually shown to strangers. They are described by Montaigne.

[2] This fountain is mentioned by John Richards in 1698 in his MS. diary (B. M. Stowe, 459, f. 46 v.). For a photo see Triggs, *The Art of Garden Design in Italy*, Pl. 73.

[3] Perhaps the central acroterion of the earlier Pantheon of Agrippa (cf. Petersen in Amelung, *Sc. d. Vat. Mus.*, i. p. 903), or a fountain (cf. Huelsen in *Röm. Mitt.* xix. 1904, 112 ff.).

[4] Note in the margin : in Compasse 40 brace, in height 18.

a verie antient building called the Pantheon,[1] which is verie stronge and round in figure. It was a temple in antient tyme dedicated to all the goods, and is made round because none of them should strive for the Cheefe place thereof.[2] Cardinall Burgese[3] hath a Pallace and gardaine in Roome [f.33], which is four miles in Compasse. The house on the outside is adorned with rare figures and stories, and within with most admirable statures, amongst which that of Venera and the gladiator are the Cheefe.

This Cardinall was Nephewe to Paulus quintus, the laste Pope. The whole world hath not such a house and gardaine. Ther is in it fishe ponds, deare, divers wild fowle, and more then cann be related.

The Medicies hath a faire Pallace and gardaine with many antient figures.

At Tevoli is a gardaine of rare water works. This is some 16 miles from Roome. Ther is also the Temple and groppe [*sic*] of Cibilla.

Ther is the Colonna triana, a rare worke with divers stories, and is from the topp to the bottome 200 and odd stepps.

[f.33 v.] Ther is the Preson of St. Peeter and St. Paule, the holy steares,[4] and more antiquities then cann be numbred. Ther is a rare figure of brasse called Marco Aurelio the Emper[oure].

The XVth of March the Spanish Ambassadour was received with great pompe into the City. Then went before him 40 sumpter horses with sumpter cloathes of Cloath of divers coullers, and after them 30 with sumpter Cloaths of velvet with bridles, bosses, and divers ornaments of silver.[5]

[1] Richards (*op. cit.* f. 45 v.) has hit on the singular name Pantaleon! The Pantheon fascinated most travellers. It was measured in about 1638 by Nicholas Stone the younger.

[2] The author is at his best in this explanation.

[3] Scipione Borghese (d. 1633), of whom two admirable portraits by Bernini are now in the Villa Borghese. He was a great nephew of Paul V. and a masterful person, who took full advantage of his kinsman's pontificate Both these statues are now in the Louvre. One is probably that of the goddess with Cupid tying the arms of Mars (*Cat. Som.* No. 370), a celebrated work in the sixteenth century. The other is the famous Borghese warrior by Agasias.

[4] The Mamertine Prison and the Scala Santa.

[5] The Ambassador was the Duke of Albuquerque, as Mr. J. M. Rigg has kindly ascertained from the Avisi (*Arch. Segr.*, vol. 9, 1623). There is no volume of Avisi for 1622. A contemporary account of the journey of an imperial ambassador in 1612–1613 is to be found in *Des bamberger Fürstbischofs Johann Gottfried von Aschhausen Gesandtschafts-Reise nach Italien und*

The nobillitie, the great horse and Coach, which wente forthe to meet him was numberlesse.

There is an other Colonna called Antoniana, which is a rare work.
[f. 34]. A mile out of the City is a Monasterie and neare unto it a round Chappell wherein is the Tombe of god Baccus, which is of the pretious stone called Porphorie and is verie antient.[1] In the Church of the said Monasterie is much of that stone and Cheeflie 4 ritch pillers at the Altar.

In Roome is a large Amphetheator which is verie antient and much ruinated.

The 17th of March the Spanish Ambassadour had his audience and came in great pompe to the Popes Pallace, with a 100 of the Popes Souldiers before him in red Coates guarded with velvett. Many knights of the order and infinite others of the nobillitie of Rome. Drums and trumpets went (f. 34 v.) before him. The Canons of the Castle shott of some 2 or 3 hundred. Him selfe and companie were ritch in jewells.

Rome is seated in a large, faire, and fruitful Valley, and the River Tiber runnes through it and goes closse by the Castle of St. Angello, which Castle is exceeding stronge and well stored with all kind of municion.

Upon the further side of Rome towards Naples are goodlie corne feelds and a faire Champian Countrie, which is the place where old Rome stood that was fiftie miles in compasse.[2] Ther is yet all over those Champion feelds many remembrances of the old City. 28[th March] We went backe from Rome 30 miles to a towne called Runcilione.[3]

Rom (Tübingen, 1881). The bishop left Bamberg with a train of no less than 180 horses, and was everywhere like the Spaniard received with great ceremony, but his suite was unruly and inclined to drink too freely of good Italian wine.

[1] Sta. Costanza.

[2] It was a common opinion that the existing walls of Rome were not those which enclosed it under the Empire.

[3] Roncilgione.

PAPERS OF THE BRITISH SCHOOL AT ROME.
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THOMAS JENKINS IN ROME.

BY THOMAS ASHBY, D.LITT.

IN the latter half of the eighteenth century the trade in antiques in Rome was largely in British hands. Matthew Brettingham the younger was only employed as the agent of Lord Orford, Lord Leicester, and Lord Egremont (Michaelis, *Ancient Marbles*, 71 *sqq.*); but another artist resident in Rome, Gavin Hamilton, served his patrons not merely by purchasing, but by excavating antiques for them in the neighbourhood of Rome; and his enterprise was rewarded by discoveries of great artistic importance,[1] though later archaeologists would have been far more grateful to him had he registered more accurately the sites and circumstances of his researches, still more had he made anything like a plan of the buildings he examined. It has not, it is true, been as yet possible to control his results; for I do not believe that any site which he searched has ever been re-excavated subsequently. His constant associate, though more in buying and selling than in discovering antiques, was Thomas Jenkins—a figure, it seems to me, sufficiently interesting to deserve a short notice.

For many of the details of Jenkins's life in Rome I am much indebted to the researches of Dr. Friedrich Noack, the results of which he has published in the *Goethe-Jahrbuch* (vol. xxiv (1903) 153 *sqq.* and vol. xxvi (1905) 182 *sqq.*), where they may, I think, very likely escape the notice of

[1] For accounts of his activities see Michaelis, *op. cit.* 73 *sqq.*; A. H. Smith, *Lansdowne Marbles*, and 'Gavin Hamilton's Letters to Charles Townley' in *J.H.S.* xxi. (1901), 306 *sqq.*

archaeologists. Much information on this period will also be found in a recent fascicule (No. 105) of the *Bibliothèque des Écoles Françaises d'Athènes et de Rome*, M. Hautecœur's volume on *Rome et la Renaissance de l'Antiquité à la fin du XVIII^e Siècle.*

Thomas Jenkins was actually born in Rome, being the son of one William Jenkins, of whom we know nothing. Various entries in the parish registers of S. Maria del Popolo at Rome (in which his name appears, curiously misspelt) point to the date of his birth being in reality 1722. The statement in Müller-Singer's *Allgemeines Künstler-Lexicon II.* 268 that he was born in 1730 is thus erroneous.

As a youth he studied painting in London under Thomas Hudson, the portrait painter.

In 1753 we find him back in Rome: he appears in the parish registers of S. Lorenzo in Lucina as living with the landscape painter Richard Wilson in a house near the north end of the west side of the Piazza di Spagna, between the Via della Croce and the Via delle Carrozze: in 1758 he joined one John Plimer in a house in the upper part of the Corso, on the left coming from the Piazza del Popolo, a little beyond No. 18, where Goethe lived. In 1760 Plimer left him,[1] and he remained there until 1764. He was always indicated in the registers as a painter up till the year 1773; and in the session of January 11th, 1761, he was created 'accademico di merito' of the Academy of S. Luke, as Dr. Noack has discovered from an examination of the archives of that body. His portrait indeed still hangs in their rooms.

Of his original works Dr. Noack cites, from Fuessli's *Allgemeines Künstler-Lexikon* (1808), a portrait of the preacher George Whitefield (*sic*), which was cut in silhouette by A. M. Moore; while Mr. Lionel Cust in the *D. N. B.* (xxix. 306) states that he painted portraits and historical subjects, and mentions two engravings by N. Mosmann after pictures of his, in the Department of Prints and Drawings at the British Museum. The last statement is, however, not correct. The two drawings, which do as a fact exist in the Department, were intended to be engraved from; but I do not know whether this was ever done. They are preserved in the collection of

[1] Plimer was the father of the miniature painters Andrew and Nathaniel Plimer. Among the records of exportations of works of art to England, published by Bertolotti in *Archivio Storico di Roma*, iv. (1878), 75 *sqq.* we find that in March, 1761, Jenkins exported 200 pictures of various sizes partly painted by the late Monsù Plimer (Monsù is the Italian phonetic equivalent o Monsieur; and an inn at Sulmona still rejoices in the name of Albergo del Monsù).

Mosmann's drawings. One (No. 243 in vol. xi—T. 4–102) represents Hagar and Ishmael: it is lettered 'Thos. Jenkins pinxit' 'Nicolaus Mosman dell.,' and a MS. note adds 'at Thos. Thornhill's Esqr. Berkley Square, London,' while the other (No. 244 in vol xii—T. 3–84) represents the bust of a woman, seen in profile, and turned to the right, in an oval. A MS. note adds 'Nicolas Mosman, Del., from an Original Painting by Thomas Jenkins.' The story of Mosmann's employment by Lord Exeter is related by J. T. Smith, *Nollekens and his Times*, i. 233, who tells us that 'Lord Exeter . . . . . employed him to make drawings of various fine pictures, of which there were at that time no engravings. According to Nollekens quoted *ib.* 232, some of the drawings were of pictures by old masters in Jenkins's possession. That his talents were not thought inconsiderable in Rome is clear from his election to the Academy of S. Luke; but he carried on other business besides that of a painter. One of the earliest traces of his activity as a dealer after his exportation of the 200 pictures (*supra*, 488), is to be found in his purchase for William Lock or Locke, a collector of works of art, of a book of drawings,[1] which had been executed by Pietro Sante Bartoli for Cardinal Camillo Massimi, and is mentioned by G. P. Bellori in a short treatise on the remains of ancient paintings (p. 63), which forms part of the *Nota delli Musei* appended to the 1664 edition of Lunadoro's *Relatione della Corte di Roma*.[2]

The volume was bound between 1668 and 1676 when he was patriarch of Jerusalem. It was considered to be of interest by collectors: in a letter addressed to Dr. Richard Topham by his agent Francesco Ferando d'Imperiali, dated July 24th, 1730, he says 'As to the book of the Massimi, it will be difficult to copy it, but I will not fail to take all the pains I can to obtain it.' However this effort apparently failed; and it remained in the possession of the Massimi family until it was bought by Jenkins from the representative of the Marchese Massimi. The letter recording the transaction (which has been kindly placed in my hands by Mr. W. St. Clair Baddeley, the present owner of this fine volume) may not be without interest.

[1] An account of this volume is given by R. Engelmann in *Antike Bilder aus Römischen Handschriften*, xviii. Cf. Egger, *Codex Escurialensis*, Text, 7, n. 3; 65.

[2] Ne' libri della Biblioteca di Monsig. Patriarca Massimi, ... trouansi li disegni di pitture eccellentissimamente imitati, con li colori da quelli si conservano nella regia, e famosa libreria dell' Escuriale in Ispagna (he then mentions the drawing of the Volta d'Oro, which is copied from Francesco d'Olanda *cod.* 28-I-20 f. 48 *bis*).

ROME.
Sept^r the 15th, 1762.

SIR,

In my last letter to you I mentioned that the Marchese Massimi was out of town and that I could not then give you a satisfactory Answer about the Book of Santi Bartoli. Since which a letter having been received from him I have had an Occation (*sic*) of examining it anew, and it improved so much upon me that I was determined at all events to go as far as 100 Zec (hini) rather than lose it, however you will see by the enclosed receipt that I have got it for you for eighty Zec(hini) (£48) which is but four crowns beyond your commission. Three Zechini I was obliged to give to the Person who was the means of my getting the Book, of which I hope you will approve. On the other side I have sent you by way of Curiosity the Prices that Cardinal Massimi paid to Santi Bartoli, which is copied from the original Steward's Book still existing in the family, which will prove the reason they had of asking the price they did. I am very glad this book is now become your property, as you will be sensible of the worth of it. You will be so good as to let me know how it shall be forwarded to you. The Gesso of your Gladiator is packed up and now laying at the Custom house here, waiting for the first Bark that sails for Leghorn.

I am with the most sincere respect, Sir,

Your most obedient Servant,
THOS. JENKINS.

	Zec.
No. 38 fol. Maschere etc.	57
Nozze Aldobrandine.	6
4. fol. non Intagliati	7
Coriolano	3
5 fol. non Intagliati	10
3 con fondi Rossi	18
10. fol. delle Loggie di Raffael	30
5 Muse	10
1 fol. Ornati	2
2 fol. non intagliati	15
In the whole 158 Zechini	158

WILLIAM LOCK, Esq.

On the back of the letter is the following receipt.

Io Sottocritto di Comissione dell' Illmo Sig^re Marchese Massimi.
o' ricevuto dal Sig^r Tomaso Jenchins scudi cento sessanta quatro.

m(one)ta qualli sono per un libro disegnato e colorito di Pietro Santi Bartoli, et altri Zechini tre m(one)ta quali sono per il mio incomodo e sensaria in fede qu(es)to di 10 7bre 1762 Angelo Sansonetti.

The first numbered leaf bears the number LI, so that the first fifty leaves have been removed—though where they now are is uncertain. It has been conjectured by Ehrle that they contained copies of the Vatican Virgil (*Vat. Lat.* 3865): see Nogara, *Nozze Aldobrandine*, p. 9, n. 3. This is however doubtful: cf. Bellori's text to Bartoli, *Sep. Nason.* xxix, where he cites drawings of this and other paintings from the Golden House (or near it) as existing in this volume, which are no longer to be found in it. See also Turnbull, *Ancient Paintings*, p. 170 and Michaelis, *Jahrb. d. Inst.* xxv. (1910), 111: from whom one might gather that the fifty missing leaves formed the collection once owned by Dr. Mead, were it not that his drawings were on vellum (Turnbull, p. 176 *init.*), whereas Mr. Baddeley's are on paper.

At William Locke's sale in 1785 it was bought by John Peachey[1] for £23. Later on it was in the Westdean Library, and is now, as I have said, in Mr. Baddeley's possession.

The contents are of considerable interest. The first thirty-eight leaves contain copies from the Vatican MS. of Terence, and there are ten drawings from parts of the Loggie of Raphael; but the rest are drawings from ancient paintings, of considerable importance. They offer points of comparison with the collections of similar drawings at Eton, Holkham, and elsewhere, and present problems which cannot be discussed here.

Winckelmann, who made the acquaintance of Jenkins about 1763, though he speaks of him as a painter, remarks that he was not obliged to rely on his art for a living.[2] He had in fact already begun to collect antiquities, and the great German archaeologist expressed in several of his letters his strong and sincere admiration for some of Jenkins's acquisitions—

[1] Cf. Gavin Hamilton's letter to Lord Shelburne of May 1st, 1774 (Smith, *Lansdowne Marbles*, p. 71). 'I shall take that opportunity of sending likewise what has been lately published of the Loggie of Raffael (Volpato, *Loggie*, 1772–9) and perhaps may add the ceiling of the baths of Livia on the Palatine mount [really an earlier house under the peristyle of the palace of Domitian]. Panini is now doing one for Mr. Peachey, which is the most elegant thing I ever saw.'

[2] I cite the letters to Muzel-Stosch and others from which Dr. Noack draws his evidence. They will be found in *Winckelmann's Werke* (Donau-Öschingen, 1825), vol. xi.; Muzel-Stosch, 7 Dec., 1763, 7 Dec., 1764; Riedesel, 18 Feb., 1764.

a cameo with the head of Caligula,[1] a Venus,[2] a gem with a comic mask incised on it,[3] a head of Pallas ;[4] and in the autumn of 1766,[5] Winckelmann found it necessary to interfere in order to prevent his exporting to England for Locke, who had already advanced 1000 zecchini for them, the two fine Barberini Candelabra, found in Hadrian's Villa in the 17th century : they were purchased instead by the Pope, and are now in the Galleria delle Statue at the Vatican (Nos. 412, 413).

Dr. Noack rightly insists on the importance of the praise which Winckelmann gives to Jenkins's critical faculty ; while he rated his honesty so high as to recommend him to Muzel-Stosch for the sale of his collection of gems, as an honourable agent who would make no charge, and whose services might be recognized by the gift of a moderately valuable gem. (Hollis, whom Winckelmann mentions in his letter to Stosch of December 7, 1763, as Jenkins's patron, is Thomas Hollis, the 'Republican.') A similar tribute is bestowed on him by the somewhat sarcastic Gorani (*Rom und seiner Einwohner*, Riga 1794, 31 *sqq.*), whose amusing description of the man shows that he possessed real knowledge and taste ; he was the trusted adviser of Cardinal Alessandro Albani, Winckelmann, and Raphael Mengs ; all foreigners of distinction were directed to him ;[6] a particular trait related of him was, that he painted the merits of the objects he sold in the most glowing colours (perhaps even with sincerity, and not as a mere merchant's

[1] Riedesel, 18 Feb., 1764. See Visconti, *Mus. Pioclem.* iii. p. 29 (8vo. edn.), n. 2. He does not refer to the inscription—the name of Dioscorides—which in his *Nachrichten von den neuesten herculanischen Entdeckungen*, § 56 (*Werke*, ii. 268), is stigmatized as a forgery. The cameo is cited by Bernoulli, *Röm. Ikon.* ii. 1. 311 n., but seems to have disappeared.

[2] It is now at Newby Hall (No. 20, p. 527 *sqq.* of Michaelis' description in his *Ancient Marbles*, *q.v.* for the history of its purchase, restoration, and exportation). It is not altogether clear to me, however, from Winckelmann's letters of June, 1765 to Fuessly and Schlabbrendorf, that he was misled by Jenkins as to the artistic value of the statue (his admiration, if misdirected, seems to have been spontaneous : cf. *Werke*, ii. 282), though he was undoubtedly deceived as to the purchaser (it was said, the King of England). In both of these he tells his correspondents that it became clear on further investigation that one leg and both arms were restored ; that the head did not belong to the body and was inferior to it, and adds, in his letter to Schlabbrendorf, 'for this reason I did not make it difficult to obtain the permission for exportation.'

[3] *Mon. Ined.* 191.

[4] Riedesel and Volkmann, 16 July, Franke, 18 Aug., 1764 ; Riedesel, 22 Feb., 1765. Cavaceppi, we are told, had acquired it secretly, and Jenkins bought it of him. It is, no doubt, the head (though Michaelis does not say so) which Locke refused to accept, and returned to Jenkins. It was then adapted by Nollekens to a torso ; the restored figure was then sold by him and Jenkins for a thousand guineas (or, according to another account, £700), and is now at Newby Hall (*ibid.* No. 23). For Locke, cf. Michaelis, p. 92.

[5] Muzel-Stosch, 4 Oct., 1766.

[6] Cf. Justi, *Winckelmann*, ii.[2] 303.

device) and that he was always ready to take back any object bought from him at the price that had been paid for it and was glad to do so, that he would often invite to dinner the person who returned it. Unfortunately he was guilty of archaeological malpractices, as Michaelis (*op. cit.* 75 *sqq.*) tells us in his interesting account of his activities, quoting the statements of Nollekens as given us by J. T. Smith (*Nollekens and his Times*, i. 11, 234: cf. ii. 62).[1] But his genuine interest in archaeology is shown by the fact that he lent Ridolfino Venuti 400 scudi to assist him in bringing out his edition of Nardini's *Roma Antica* which appeared in 1771.

Still, he was not above the trade in forged inscriptions, which Cavaceppi and Piranesi seem to have carried on actively, if we may judge by the number of inscriptions from the latter's collection, figured in his *Vasi e Candelabri*, which are relegated to part v. by the editors of the *Corpus* (vol. vi). An urn figured by Piranesi (vol. ii. Pl. 89) as having formerly been in Jenkins' possession (he seems to have acquired it from Cavaceppi) was recognized as a sham by Bormann in 1882 (*C.I.L.* vi. 3495*).

In 1765 Jenkins moved to a house on the opposite side of the Corso the Casa Celli, near the church and hospital of S. Giacomo (now No. 504), and at first occupied the first floor only, being joined in 1778 by his nephew John Jenkins, also a painter, then 24 years of age, and in 1781 by another nephew, James. From 1782 onwards we find him alone with his servants, but the growth of his wealth and his collections had led him to extend his residence to the second floor also. He had, indeed, in the meantime become a person of considerable importance. The description of the purchase of his Venus in 1765 shows that he was then a private individual; and when he became British agent in Rome is uncertain, though research in the Public Record Office in London, which I have not been able to undertake, would perhaps clear up this point. No doubt he opened his business as a banker with this position. In 1772, however, the Roman semiofficial *Diario Ordinario* published by Chracas records that the Duke of Gloucester, the younger brother of George III (who was travelling as Conte di Connaught), watched the Corso dei Cavalli from the windows of Jenkins's apartment on the 25th of February (No. 8350), inasmuch as he

[1] I do not know what was the fate of the torso of Meleager to which Jenkins added a head of Hercules (having bought both from Hamilton. Cf. his letter to Lord Shelburne of Aug. 6, 1772, published by Smith, *Lansdowne Marbles*, p. 58).

[2] Nos. 8352–8364 give further particulars of the Duke's stay of nearly two months in Rome. He was well received there, and spent much time in sightseeing, attending church ceremonies, and

himself was staying in the Palazzo Correa in the Via dei Pontefici ; and in 1774 the Duke of Cumberland, during a stay in Rome, visited the Papal fleet at Civita Vecchia on the 29th of March, and then with his suite took dinner (' uno splendido pranzo ') in Jenkins's villa there (No. 8566). It was in this year that Jenkins for the first time appeared as a man of business instead of a painter in the parish registers, and it was in the same year that the Freiherr von Senckenberg visited Rome, and related in his memoirs that the Pope (Clement XIV) was practically in the hands of Fra Buontempi, Jenkins, and a Jew named Aaron. It would be interesting to know how far his influence really went. In the parish registers he is always indicated as a non-Catholic. The presents which both the Royal Dukes dispatched in the following year to Rome in memory of their visit—the fourteen chests of anatomical preparations and medical instruments sent by the former for the Papal hospital of Santo Spirito through his body physician Adair ; and the golden pyx which the latter and his wife sent to the Marchesa Massimi, Prince Aldobrandini, and the Papal commander—passed through Jenkins's hands (No. 28, No. 70, 8 April, 2 Sept. 1775) ; but it is not until 1777 that the *Diario* expressly gives him the title of Agent, on the occasion when he had to pay 200 scudi on behalf of the Duke of Gloucester to the Ospedale delle Donne in Via Ripetta as compensation for the breaking, owing to illness, of a lease of a palace belonging to this hospital which he had taken in view of a future visit to Rome (No. 300, 15 Nov. 1777).

In 1775 we find a traveller's guide dedicated to him by Francesco Tiroli under the title of *La vera guida per chi viaggia in Italia.* In the dedication the author states that, as he needed someone to commend it to travellers, he was bound to have recourse to Jenkins, who had lived so long in Rome, whose knowledge was so great, and whose politeness so exquisite, that he was always being sought out by the most illustrious foreigners of every nation : he speaks also of the fame of Jenkins' collections.

In the meantime opportunities for purchasing and for selling antiquities had alike increased. As Michaelis points out (pp. 78 *sqq.*)

hearing music. Cardinal Alessandro Albani presented him with an ancient and finely worked porphyry vase : he bought a copy in mosaic of the Nozze Aldobrandine ; and Prince Aldobrandini and Prince Odescalchi, who had been in attendance on him during his stay, gave him a copy in tapestry of Guercino's picture of Lucretia, a mosaic copy of Guido Reni's symbol of wisdom (simbolo della sapienza) and four cases of finely bound books, including Piranesi's *Vedute di Roma*, and other important productions of the Calcografia Camerale.

Jenkins and Gavin Hamilton contrived to find and to buy up isolated specimens of good sculpture, which lay hidden or unnoticed in private houses in Rome, and also at times managed to buy up whole collections—such as the treasures of the Villa Montalto or Negroni (see below), a considerable part of those from the Villa Mattei (cf. *Mélanges de l'École Française de Rome*, xxx. (1910), (63)),[1] and others from the Villa d'Este (cf. *Archaeologia* lxi. (1908) 238), and other collections—including even works from the Caraffa-Columbrano palace at Naples.

For the objects that went to England, I need not go into further details, but may simply refer to the entries under *Jenkins* in his index.[2] But Townley collected a number of drawings of objects which he did not buy, many of which passed through Jenkins's hands (Appendix I), and these often give interesting information.

Besides purchasing, Jenkins and Hamilton started fresh excavations—unluckily not with any scientific object in view, but simply in search of works of art, so that we may look in vain for any proper description of the buildings they excavated. I may refer, besides Michaelis' account, to A. H. Smith, *J.H.S. cit.*[3]

In the meantime his collection had grown greatly in importance: the *Diario* informs us of his acquisition in April 1774 (8574: 30 April) of a

[1] I think that the charge brought against Jenkins in this article by M. Hautecœur, of having forged sepulchral inscriptions on some of these monuments, rests on a misunderstanding of Visconti's words (cf. *infra*, 497); for practically all of the inscriptions existed already, and had been published by Muratori and others.

[2] An exception should be made in favour of those sold to Townley and now in the British Museum, inasmuch as the Museum Catalogue has no index of provenances nor of collectors. The only sculptures that we positively know to have been in Jenkins's hands are the following Nos. (all from the Villa Negroni except 2299) 1746, 1769, 1827, 1897, 2190, 2209, 2298, 2299, 2305, 2358, 2360, 2379; but it is probably the case with many others, as Townley was a good customer of Jenkins. Thus, 1658 was no doubt bought from Jenkins (cf. *Papers*, iii. p. 191, n. 2), inasmuch as we have the evidence of the legend under a drawing of the herm of Antisthenes in the Vatican, preserved in the second portfolio of Townley drawings (*infra*, 502), that it came from the villa of Cassius. 'This head was found 1772 by Domenico de Angelis within a few yards of my group of a faun and nymph.' Dallaway (*Anecdotes*, p. 312) makes the same statement.

Another group representing the same subject as 1658 was bought from Jenkins in 1770–4, for the Vatican (Visconti, *Mus. Pio-Clem.* i. 49; it is not on exhibition); Benndorf and Schoene (*Lateran*, p. 184, No. 138) are wrong in believing it to have been found in the villa of Cassius.

[3] I may add that the *Diario* of Chracas mentions (No. 8420, Nov. 7, 1772, p. 18) that Jenkins obtained permission to excavate in the farm of Frassineto, near Prima Porta, on the Via Flaminia. It is obviously the same excavation of which Hamilton speaks in his letter of Sept. 30, 1772, to Lord Shelburne (Smith, *Lansdowne Marbles*, p. 61, cf. Michaelis, *Anc. Marbles*, p. 81); but we have no record of what was found.

fine statue of Pertinax, but the name must have been incorrectly assigned to it, for I cannot trace it in Bernoulli's *Römische Ikonographie.*

Various pieces in his collection formed the subject of special articles, *e.g.* a marble vase representing the Marriage of Paris and Helen[1] which he bought in Naples. We have already seen that in 1770–4 Monsignor Braschi, who became Pope Pius VI. in 1775, bought from him a group of a Satyr and Nymph; and in 1780 Giambattista Visconti bought from him for the Vatican Museum the Silenus crowned with ivy, now in the Sala delle Muse (No. 491), which had been found in the Tenuta of Tor Agnola on the Via Prenestina (Visconti, *Mus. Pio-Clem.* i. tav. xlvi.[2] *Chracas*, No. 546: 25 March 1780).

In 1781 Jenkins purchased for 1790 scudi a Cupid, a Faun, a Muse, a Hercules, a Bacchus, and a headless nude male figure, which had been found in the garden of Marchese Muti (*ib.* 632: Jan. 26, 1781)[3]; while in 1786, in the sale of the sculptures which Pope Sixtus V. had collected in the Villa Montalto-Negroni, and which had been bought en bloc by one Staderini, of Tor Sanguigna, for 49000 scudi, he seems to have defeated all his competitors and purchased the whole collection (Visconti, *Mus. Pio-Clem.*, text to iii. 14; Guattani *Mon. ined.* 1787, p. 46). Of these, a trapezophorus, the statues of Menander and Posidippus, a Hermes and the statue of a victor in a chariot-race were bought in 1789 and are, with many others (cf. Nogara, Guide to the *Vatican Museum of Sculpture*, Index *s.v.* Montalto, Negroni), now in the Vatican (Belvedere 27, 98, Galleria delle Statue 271, 390, 417, Sala della Biga 619); and a Demosthenes is in the Louvre (*Cat. Somm.* 79; Bernoulli *Gr. Ikon.* ii. p. 71, No. 15). (ib. 1010: Sept. 4, 1784).

Other works purchased from him for the Vatican include—a small Greek bas-relief, bought by him from Greece, representing three young athletes (Gabinetto delle Maschere, above 440) a statuette of a fisher boy

[1] Orlandi, *Le Nozze di Paridi e d'Elena rappresentate in un vaso antico del museo del Sig. Tommaso Jenkins gentiluomo inglese* in *Efemeridi letterarie*, No. 51 (23 December, 1775). The same journal mentions that he possessed two reliefs with Fauns and Satyrs playing—figured by Guattani (*Mon. Ined.* 1786, xxxii and tav. ii. iii) who praises Jenkins's generosity—and another with a fine Bacchic procession (No. 16, 2 April, 1787), and that he had found the sitting statue of Zeus in the Villa Barberini at Castel Gandolfo (No. 46, 15 Nov., 1806).

[2] He speaks of Jenkins in the text as 'a dealer of reasonable pretensions who does honour to his country.'

[3] Cf. Appendix I. p. 500, Nos. 3, 5, 7, 8 (?).

asleep (Museo Chiaramonti, 287) a statuette of Victory, found by Hamilton at Cornazzano in 1774 (Candelabri 162), a Dadophorus found in 1785 (Museo Chiaramonti, 352), and a bas-relief representing a Dionysiac procession (Belvedere 96 a). This last object was alleged to have been found on the coast of Campania, near Naples; but, unfortunately for Jenkins's veracity, it was drawn in Rome by Giuliano da Sangallo at the end of the fifteenth century. (*Cod. Sien.* f. 11^{v}, 28: cf. Hülsen's remarks in *Il libro di Giuliano da Sangallo*, p. lvii.)

Jenkins's collection had by now become famous: the *Diario* tells us that it was visited by various royal personages, in 1776 by the Archduchess Maria Christina, the daughter of Maria Theresa, in 1782 by the subsequent Emperor Paul of Russia, who appears to have made some purchases, and in 1784 by Gustavus III. of Sweden.

We find it mentioned by J. J. Volkmann, who visited Rome in 1758 in the second edition (1777) of his *Historisch-Kritische Nachrichten von Italien*, who says that the most numerous and the most valuable statues were to be found in Jenkins's collection; though I have not been able to find it referred to in the ordinary guide books of the period.

In 1784, E. Q. Visconti wrote him a letter as to a rare fragment of a cornelian, representing Pallas on the chariot of Diomede (*Iliad* v. 835)[1] and in 1787 published a catalogue of his collection of inscriptions, fifty in number (*Catalogo di Monumenti scritti del Museo Jenkins*): these treatises are reprinted in his *Opere Varie*, i. 71 *sqq.*, 123.

Jenkins was so well known to several friends of Goethe, such as Reiffenstein and Angelica Kauffmann, that the poet must soon have visited him—and they were besides, as we have seen, near neighbours. In a letter of January 20th, 1787, to the Duke of Weimar, he speaks of him as a clever and fortunate rogue, of his success in business and of the share he had taken in the dispersal of the contents of the Villa Negroni, and in a letter of the 25th, to Frau von Stein he says, in speaking of the purchase of antiquities, 'I cannot embark on coins; the rest is mostly child's play, except for the objects which Jenkins possesses, and on which he sets an enormous price.' And we find that Goethe and his friends invited Jenkins, with Volpato and others to whom they owed attention to a concert in the summer of this year; and further that Goethe visited Jenkins in his villa at

[1] Published by Guattani, *Mon. Ined.* 1784, lxviii.

Castel Gandolfo (the house still exists almost unchanged, just before the village is entered from the station, on the right of the road below the Papal villa, before it divides into the way to the village on the left, and the Galleria di Sotto leading to Albano on the right), and there fell in love with the beautiful Milanese girl, Maddalena Riggi, whose brother was a confidential clerk in Jenkins's office,[1] and who eventually married Volpato.

After Goethe's departure from Rome, he had a credit at Jenkins's bank, on which Bury drew 100 zecchini in December 1788, to buy old pictures; and from it Heinrich Meyer obtained payment in 1789 for the drawings which he had given to the Duchess Amelia.

Jenkins still held his position as British agent when the Duke of Sussex came to Rome in 1791, and acted, indeed, almost in the capacity of British Ambassador to the Vatican: he called with Baron von Hanstein, the Prince's master of the ceremonies, on the Cardinal Secretary of State and on the Pope to announce the Prince's arrival; on November 27th he gave a dinner of eighteen covers to the Prince and his suite; while the latter on his return from an excursion to Naples in April 1792, paid Jenkins a visit of two hours' duration. (*Chracas*, No. 1764, 26 Nov. No. 1766, 3 Dec. No. 1810, 5 May.)

In the next year Jenkins received the sister of the King of Sweden, who visited his statues and especially his collection of cameos; and he also handed over presents from the Duke of Sussex[2] to various personages at the Vatican. The Duke returned in the following year (1764) and resided at the Palazzo Correa, which Jenkins had furnished for him. It was in this year that he made the excavations at Campo Iemini, in partnership with Sir Corbet Corbet[3] and Robert Fagan, which were described by Carlo Fea in *Antol. Rom.* No. 52, 1794 (reprinted in Fea, *Misc.* ii. 185). Some of the sculptures were placed in the Vatican (Braccio Nuovo, 29; Mus. Chiaramonti, 6, 13; Gall. Candelabri, 264). We have further information as to some of them from Tatham's letters from Rome (Appendix II).

Among them was a Venus of the type of the Capitoline Venus, lacking

[1] Cf. also Noack, *Deutsches Leben in Rom.* p. 96 and Tomassetti, *Campagna Romana* ii. (Rome 1910) 189.

[2] *Chracas*, No. 1900, 16 Mar. 1793; 1936, 20 Aug. 1793; 2004, 15 Mar. 1794.

[3] See *Mélanges de l'École Française*, xxiii. (1903), 389 for excavations made by him in 1793 in a vineyard near S. Sebastiano on the Via Appia.

the left leg with part of the hip, half the left (?) foot, and a piece of the left arm, with the head fixed on in ancient times. It is undoubtedly the Venus (No. 1578) given by King William IV to the British Museum, which Michaelis says (*op. cit.*, p. 109, No. 277) was bought by the Duke in Rome, and the height, 6 feet 9 inches, agrees with that given by Tatham (*infra*, Appendix II). Fea, too, expressly mentions it as having been exported by Fagan. Tatham's letters give us a good deal of interesting information as to Jenkins's activity as a dealer.

In the same year Jenkins's niece, Anna Maria Jenkins, daughter of his brother William Jenkins, who had lived with him since 1788, married Giovanni Martinez, son of Ferdinando Martinez and Maria Bourbon del Monte; the bridegroom's uncle, Monsignor Pio Martinez, lived next door to Jenkins.

In 1796 Frederica Brun visited Jenkins's collection on January 23rd with Graf Reventlow: among the cameos and gems she remarks particularly a head of a hero in onyx, a Germanicus, a Venus bathing, and a Ganymede with the eagle, and among the sculptures, a Plato, or Indian Bacchus, a Commodus, Antoninus, Trajan, Amor and Psyche, and Urania (*Tagebuch über Rom*, Zurich 1800, p. 277). But the war was driving foreigners from Rome: cf. Tatham's letter of Jan. 30th (*infra*, 510).

In 1797 we find Jenkins still residing in Rome, but in the next year the French Revolution drove him to England and ruined him; and he died at Yarmouth just after he landed (*D.N.B. cit.*). He had brought with him a collection of gems, but all the property he had left in Rome was confiscated by the French. Similar treatment was, indeed, meted out to others. The Bishop of Bristol lost all his collection (Michaelis *op. cit.* 108):[1] and Antonio d'Este (*Memorie d Antonio Canova*, p. 238) gives a list of the objects taken by the French from Robert Fagan in the same year (Appendix III). I do not know what happened to them: possibly they were returned to him; for he did not die until 1816.

[1] To the objects mentioned by Michaelis I may add a mosaic pavement from Gabii (*Papers*, i. 187, cf. iii. 205). In the exportation records for 1802, published by Bertolotti (*supra*, 488) we find that on November the 10th the Bishop sent the following pictures to England:—The Flood, by Berzié; a Sibyl, by Benvenuti; Cain, by Friedrich Rehberg; a Venus copied from Paolo Veronese, by Camuccini; a landscape copied from Claude, by Partini; the Death of Hector, by Umel (*sic*); the whole valued at 2000 piastres: so that he apparently acquired other objects of art. He died in 1803 at Albano. For further details as to his life cf. *infra*, 505.

APPENDIX I.

Among the drawings collected by Townley, which are now in the Department of Greek and Roman Antiquities at the British Museum, are several which represent antiquities in Jenkins's possession: in a volume marked *Miscellaneous Drawings* (Shelfmark 59 c.) are the following :—

(1) A bas-relief with a male and a female figure, the male holding a roll in the right hand, the female with her left arm uplifted. 'Bas-relief Negroni Villa bought by Jenkins.'

(2) A cameo representing Ganymede giving drink to the eagle. 'Cameo belonging to Mr. Jenkins, 1794. (Cf. *supra*, 499.)

(3) Statue of a boxer 'formerly in the Villa Negroni' (Clarac-Reinach, 521, 6), which, according to Guattani (*Mon. Ant. Ined.* 1788, p. 1), was bought from Jenkins by the Conte di Fries and taken to Vienna.

(4) Statue of Vertumnus. 'Jenkins Villa Negroni' (*supra*, 496). The type resembles Clarac 220, 4 R., but there is no dog.

In another portfolio, marked *Drawings from Various Antiquities* (Shelfmark 59 e, but now placed in 59 c), are the following :—

(1) Statue of a putto as a boxer. 'In the possession of Mr. Jenkins at Rome, height 23 inches, 1779.'

(2) Statue of Hermes. 'Villa Negroni, now in ye Vatican' (*Gall. Stat.* 417).

(3) 'Statue, supposed a Muse, found in the Valle Viminale 1781, the right arm and the left from the elbow restored, the rest all its own: from Mr. Jenkins' (*supra*, 496). She is standing, draped, and holds a flute in each hand, having been restored as Euterpe. Excavations seem to have gone on in the Villa Muti from 1780 to 1787, if the dates on these drawings are correct. Discoveries had already been made there in the sixteenth century, but there is no reference to these finds either in Lanciani's *Forma Urbis*, 16, or Hülsen's *Topographie*, i. 3. 376, n. 10. The site was almost opposite S. Vitale, but a little further S.W., on the further side of the modern Via Nazionale. This statue is very like Guattani, *Mon. Ant. Ined.* 1784, Aug., tav. ii., which is now in Stockholm (Clarac 263, 4 R), having been bought by Gustavus III. from Volpato with an Apollo and the rest of the Muses: the latter was found at Hadrian's Villa, according to Brising, *Antik Konst i National Museum*, p. 51, Pl. xx.): Winnefeld does not mention it.

(4) 'Statue of Hygeia found in the Theatr. Statilii, the right arm from ye elbow, the left from halfway below the elbow restored, the head broke off found with it; from ye casa Locatelli 1784,' 'From Mr. Jenkins' (below).

(5) 'A fragment of a group belonging to Mr. Jenkins found in ye villa of Mar. Muzi about 1787' (*supra*, 496). A fragment of a sympiegma.

(6) 'A statue 6 feet high of a hero, found near Naples; the letters with the artist's name are much effaced and illegible, the word ἐποιει is legible. The head is antient though not its own: sold by Jenkins at Rome to Count d' Orsi for £500 in 1776; the right arm and leg and left hand are restored.' The statue is now in the Louvre (Loewy, *I.G.B.* 293 and reff.).

(7) 'A statue the size of life, supposed to be a Muse, found Nov. 1780 in the Villa belonging to the Marchese Muti, near San Vitale, between the Quirinal and Esquiline

hills, where antiently stood the baths of Olympiodorus, along with four other statues of good workmanship, all purchased by Mr. Jenkins. The right arm and left hand are wanting' (*supra*, 496). The right arm is restored as uplifted.

(8) Statue of Cupid, 2 feet 3 inches high, 'offered by Mr. Jenkins 1786' (*supra*, 496; probably from Villa Muti). The bow is in the left hand; the right arm supports a club of Herakles which is covered by a lion's skin.

(9) 'Sardonyx cameo formerly the property of Menx (*sic*) ye painter purchased by Mr. Jenkins for £400 and sold by him to the Empress of Russia for £500.' Perseus and Andromeda seated.

(10) 'Basrelief belonging to Jenkins 1772, 2 feet 3 inches in height': a draped female with veiled head in oval looking to the right.

(11) Head of Serapis with polos. 'Formerly at Mr. Jenkins', now at Ince, 1791. This must be Ince No. 159, though not given as a purchase from Jenkins by Michaelis. It was found on the Via Appia.

In the same portfolio is the following :—

Gems sent by Mr. Jenkins, 1792.

*A ring with a priapus and butterfly . . . . . zec^{ni}	6
Do. a mask on a cista mistica	5
*Do. a female faun	15
A scarabee with two birds	3
A do. griffon and serpent	4
*A mask in cornelian	3
taken by Mr. Cratcherod.	
*A dog in plasma	5
*Cameo of a lion on a pudding stone	1½
A priapus in coral and gold chain	1
A fragment in cornelian	3
	46½

Marked with a star not desired and were returned . . { 6, 15, 3, 5, 1 }

zec. 30

6 veined sard fig(ure) raising a body

Among the other drawings in the first portfolio the following are worthy of note :—

(*a*) The sleeping nymph at Knole (No. 2), the price of which is given as £200.

(*b*) 'Granite figure in the collection of J. McGowan, Esq., of Edinburgh' (a grotesque head). For McGowan cf. *C.R.* xviii. (1904) 70.

(*c*) A sarcophagus 'urna marmorea in Collegio Graecorum Romae': Cupids in the circus and a thensa.

(*d*) Boy with goose, recumbent on his left side, looking up to the left and clasping the goose with right hand and left arm. 'In marble, about 3 feet long, found by Mr. Gavin Hamilton at Civita Lavinia, and sent to Mr. Lyde Browne 1785. It no doubt went, with most of the rest of Browne's collection, to Russia. (Smith in *J.H.S.* xxi. (1901), p. 314, n. 7; Michaelis, *Ancient Marbles*, p. 88.)

(*e*) 'A Venus found near Genzano, in the possession of Mr. Lyde Browne, 1776—head not its own.' This is probably identical with Reinach, *Rep.* iii. 104, 6 (Kieseritzky, *Ermitage*, p. 10, No. 20).

(*f*) A statue of Harpocrates, the support behind the left leg, 'bought by Vienna.'

(*g*) 'An ancient candelabrum in marble, the property of Lord Berwick.'

(*h*) 'Venus on sale at Pacili's sculptor in Rome 1768—found near Frascati, purchased since by prince Borghesi, 1776.' Now in the Louvre. (Clarac 174, 7 R: Fröhner, *Notice*, No. 156.)

(*i*) [A note on a slip of paper, without a drawing.] 'This head was found, when the late Cardinal Giraude was making some alterations in his house, in the largest of the islands in the lake of Bolsena.' There are no remains of antiquity on this island, according to Dennis, *Cities and Cemeteries of Etruria*, ii. 29, n. 4, though there are on the smaller Isola Martana.

(*j*) 'This statue of a Satyr about two feet six inches high was sold by Mr. Gav. Hamilton at Rome to Count Walmoden for 150 scudi—1767' (cf. Michaelis, p. 91). A satyr smiling and looking down, holds a cup in his right hand and a bottle, pointing down, in his left: the right leg is crossed behind the left.

(*k*) Boy and goose 'at Mr. Anson's, about 3 feet high.' The Anson collection at Shugborough has been dispersed, and I do not know where this group now is. (Michaelis, p. 70, n. 174.)

(*l*) 'Bachus at Ampthill Park.' I cannot trace this terminal head with ivywreath.

(*m*) 'From a Bas relief in the possession of Mr. Morrison at Rome 1788.' A replica of the Paris and Helen relief at Naples (Friederichs-Wolters, 1873).

(*n*) 'Part of an antient figure formerly in the Palazzo della Valle, Rome.' Nike kneeling before candelabrum, in relief. Not in Michaelis' list, *Jahrb. d. Inst.* vi. (1891), 228 *sqq*. Now in the Louvre (Fröhner, *Notice* 481).

We may also note the following from the Palazzo Colombrano, Naples:—

(*o*) Relief of warriors fighting.

(*p*) Bacchic frieze with satyrs and centaurs.

(*q*) A quasi-Corinthian capital with a pair of dolphins and a trident on each side found in a temple of Neptune in Capria' (drawn by Claude François Nicole).

(*r*) Another view of the same, 'found in Capria.'

(From the same collection comes Lansdowne Marbles, No. 69, as is shown by a drawing in this portfolio, besides the others cited by Michaelis in his index.)

(*s*) Altar with three fasces, 'un autel dans une Maison de Campagne sur l'extrémité de la Montagne de Pusilippe [*sic*] à Naples.'

In the second portfolio are the following:—

(*a*) 'Head of a statue of Diana found 1778 by Mr. Gav(in) Hamilton at the Lago di Castillione, amongst ruins of antient baths' (see *Papers* i. 187).

(*b*) Plan of part of a Roman house with paintings. It is a part of the house discovered by Azara in the Villa Montalto in 1777, the paintings of which were sold to Lord Bristol, and are now lost (Lanciani, *Ruins and Excavations*, 149: Canina, *Edifizi*, iv. 292).

(*c*) 'Castor belonging to G(avin) Hamilton at Rome, 1779, head not its own.' Castor standing with spear: horse lying down to his right.

(*d*) Hercules, 'near 6 feet high found in ye Campo Vaccino 1771, bought by Mr. Mansel Talbot "near the temple of Romulus and Rhemus" [the temple of Romulus in the Forum Romanum].' Now Margam, No. 4 (provenance not otherwise known).

(*e*) 'Statue of Paris 5 feet 6 inches found at Roma Vecchia[1] and sold by G. Ham(ilton) to ye Landgrave of Hesse for £200, great preservation; the marble discoloured 1777.'

(*f*) 'Sarcophagus about one yard in length, late Mr. Lyde Browne's, now sold to ye Empress of Russia 1785.' Cupid and Psyche.

APPENDIX II.

C. H. Tatham, the architect, visited Italy in 1794–7 (*D.N.B.* lv. 381). During his stay, he carried on a considerable correspondence with Henry Holland, the architect of Drury Lane Theatre, who had been his master, and who gave him £60 a year for two years to enable him to pursue his studies. He was elected a member of the Academy of S. Luke, on June 12, 1796, as Sig. Francesco Tomassetti has kindly ascertained for me from the official records. In 1799 he published *Etchings representing the best Examples of Ancient Ornamental Architecture, drawn in Rome in* 1794–6, *Ancient Ornamental Architecture in Greece and Italy* (ed. ii. 1803), and in 1806 a description of the fragments he had collected. (*Etchings representing fragments of antique Architectural Ornament.*)

The original letters, bound in a volume in folio bearing the bookplate of Sir John Soane, are now in the Fine Arts Library of the Victoria and Albert Museum, South Kensington (pressmark Q. 10. C.); while there is a copy in the library of Sir John Soane's Museum. Mr. Walter Spiers, Curator of the latter, has been kind enough to inform me that this copy does not contain certain items which are in the South Kensington Museum volume. These I have marked with a star *.

The letters are divided into sections, as follows :—

No. 1.—Letters and sketches from Mr. C. H. Tatham, Rome, November 19th, 1794 :

*(1) Letter to Sir John Soane relating to the despatch of casts and coloured drawings of the Vatican. Undated.

*(2) [With it] To Henry Holland, Esq., Architect, from Christ^r. Ebdon. List of 53 casts sent to London, dated Florence, Aug. 8th, 1776.

*(3) Prospectus by Camillo Buti of his publication of the paintings of Villa Negroni. [The work came out in 1778–86.]

*(4) Letter to Henry Holland (no date) as to cast of a chimney, including the following passage :—

'I am this moment with Mr. Jenkins . . . Mr. Jenkins has two antique statues which he thinks worthy the Prince's collection; the subjects are Trajanus the Father of Trajan, and Antoninus Pius deified, both standing 6 feet high—large as life . . . Price £400 the two. For the payment of any of these things the space of a 12 month will be always allowed if desired.'

[1] See *Papers*, iv. 90 *sqq.*—this statue must be added to the list there given.

(5) Letter to Henry Holland dated Rome, November 19, 1794, describing a visit to Prince Augustus and the showing of his drawings of New Drury Theatre.

'. . . I waited upon Mr. Jenkins according to your desire, and the result of the business is as follows. He is not in possession of any Antique Vases, and it would be a very difficult matter to procure four large enough to answer the purpose, unless they were bought out of the private collections of the Nobility here. He has no antique busts whatever, but he can procure four colossal modern ones, of esteemed workmanship and copies of the best antique of the kind; they stand 2 feet 10½ inches high, including the little pedestal at bottom—the subjects are Ajax, Alexander, and the Emperors, Marcus Aurelius and Lucius Verus. The price of the four is at £160 [drawings sent of two of them]. He has got small sarcophagus's [or rather cinerary urns] of 20 inches by 30 inches high, or thereabouts; they are mostly of this ⌓ form, but this class of Antiquities are generally much mutilated, there are many of them to be met with in Rome. You may have modern Vases well worked and minutely copied from the Antique of any size and form fixed upon. Mr. Jenkins is of opinion that the flat ones which are called Tazzas would answer the purpose best, placed on each side of the bust [drawing sent], provided you should think so, I will send sketches of various forms and dimensions, from the best of them, which are to be obtained, only from the private collections. I myself know of four antique colossal busts 3 feet 2 inches high, to be disposed of. The subject of one is the Emperor Galba, the rest are at present unknown, but Visconti, the famous Antiquarian, would make them out for me. The Price of the set is £150. You are aware that all Articles of sculpture and painting, carried to the Port of London pay (I believe) 60 per cent. Mr. Westmacott can give you particular information on this head. There are some modern Chimney pieces for sale here, which are of a good taste, and the rarest marbles are introduced in them; should you like to know more about them I will send you sketches with their prices. Very fine slabs of granite porphyry, etc., of various dimensions may also be had, and which would come cheap. Mr. Jenkins has four antique Corinthian columns of beautiful black and white marble, which were found in the Ruins of Adrian's villa: the caps are modern but well wrought. He wished me to mention these Articles. Captn. Paine knows the columns in question, and wished to have bought them. I have now to inform you that there is a Collection of Antiques (lately found near the ancient Laurentum [cf. *supra*, 498] about 18 miles from Rome), the property of Prince Augustus, Sir Corbet Corbet, and Mr. Fagan, an artist resident here; they are intended by the two former sharers as a present to the Prince of Wales to decorate Carleton House, he paying the third share only to the latter proprietor. They have already been offered to his Royal Highness by Prince Augustus, thro' the means of his Brother Ernest, and it is apprehended by the parties here, that the matter is 'eer this known to you. The following is a description of them.

'*A Statue of Mercury* as God of the Athlati, standing 4 feet 9½ inches high—naked figure and esteemed of the very finest sculpture (wanting one foot and arm) (Fea, No. 15).

'*A Venus* standing 6 feet 8½ inches high, very fine (only wanting leg) (Fea, No. 6; *supra*, 499).

'*A Faun*, companion (wanting head and arm) (Fea, No. 7; Vatican, Braccio Nuovo 29).

'*An Alto relievo* of exquisite sculpture, representing Castor and Pollux—similar to two statues in the Collection of the King of Spain—the only copy known (wanting heads and feet) (Fea, No. 11).

'A Tazza of white marble proposed by Prince Augustus to stand in the center of the grand Hall (Fea, No. 19) [drawing sent].

'The Amount of their value to the Prince of Wales would come to £550 or thereabouts, *when the several mutilated parts are perfectly restored.* The Antiquarians here are continually bidding for them, and unless His royal Hs. will take them, which is much wished for, they will be sold at a very high rate. I am authorized by Prince Augustus and Mr. Fagan to advance this description of them to you.

'There are also two Seasons recumbant, antique female figures with allegorical boys, exclusive of the above Collection, extending 5 feet in length by 2 feet high, the property of Mr. Fagan, and lately found, when restored are valued at £100 per piece (Fea, Nos. 9, 10; Vatican, Mus. Chiaramonti, 6, 13).

' . . . The Earl of Bristol, Bishop of Derry in Ireland . . . lately arrived in Rome (cf. D'Este, p. 76; Michaelis, *op. cit.* pp. 108, 333, 461; Hautecœur, pp. 226, 269, 274) . . . To my great surprise he commissioned me to make him a design for a villa to be built in Suffolk [Ickworth], extending nearly 500 feet, including offices. The distribution of the Plan is very singular, the House being oval, according to his desire. . . .

'I find a great friend in Mr. Bonomi the Brother of the Architect, he is a man for worth and Abilities of considerable weight, and belongs to the Church; through his interest I have admission to the Justinian Gallery and Library, in the former is the original of the Apollo you destined for the Decoration of the top of Drury Lane Theatre.

'Mr. Jenkins continues his notice of me, and calls upon me now and then to see my drawings . . . he lately made me a present of a large work, being a publication of a Villa built by Vignola standing near the ancient Flaminian Way, and belonging to the Pope. . . . [This was, no doubt, the work of Giovanni Stern, *Piante, elevazioni ecc. della villa suburbana di Giulio III.*, Rome, 1784.]

(6) Letter from Richd. Westmacott to Henry Holland, dated Florence, July 7th 1794, as to despatch of case of casts :—

' . . . Signor Canova, a Friend of mine in Rome, has promised me his assistance in procuring some Antique Fragments which were in the Possession of Pirinisi [*sic*].'

(7) List of Plasters sent to Henry Holland, Esq., from Rome in May, 1794 :—

'19 casts. There were also sent 3 Etruscan vases bought at Naples for 28 Ducats, and Mr. Buti was paid 16 crowns for Theatrical and other drawings.'[1]

No. 2.—1. Letter from Tatham as to casts and fragments, Rome, Sunday, 15th February, 1795.

'By this time I have made a valuable collection of antique fragments . . . I propose seeking the first opportunity to send them off to England directed to you . . .

(1)' + A Corinthian Pilaster capital, unique, little fragmented and of fine workmanship

(2) ' + A large rich scroll foliage ornament.

(3) ' + A fine head of a sphinx of undoubted grecian sculpture in parian marble—supposed to have been the elbow of a chair.

(4) ' + Part of the cima recta of the cornice of the Temple of Neptune, very large (of the same design you have appropriated to the frieze of Brookes's in St. James's Street) a very scarce fragment, no one here having the duplicate.

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[1] There follow various drawings of antiques (with the modern busts of Ajax and Lucius Verus), including the tazza from Laurentum, dated Nov., 1794. The tazza is round, supported by 3 female winged griffins. 'The tazza is hollow and appears to have been formerly used for a fountain having a tube thro' the ornamental neck.'

(5) '+ A rich foliaged ornament in scrolls with boys and beasts in the centre of flowers, a kind of Pilaster with enriched pannell mouldings—very fine.

(6) '+ A large rich goloss (similar to a cast in your former collection).

(7) 'A piece of etruscan frieze ornament compleat.

(8) 'Five fragments of different Pilaster capitals, small, in rosso antico.

(9) 'A frett-work.

(10) 'A small pilaster capital in parian marble, singular composition, fine.

(11) 'Part of a very rich modillion of masterly sculpture equal to any in the collections at Rome.

Together with some others of inferior note. Those marked + were purchased and cost 25 Scudi's which is equal to about £6 english—the rest have been presented to me by different persons.

The French Academicians previous to their dismissal from the Roman State took away an immense quantity of these valuable relics of antiquity, insomuch that it has become a proverb here, that they would have bought up the Roman children if they could. This circumstance has rendered the purchase of fragments scarce, excepting some capital ones of candelabras and other rich works, which I am reluctantly obliged to let slip into the hands of others, the price of them being beyond my powers.

'. . . Respecting the specimens of mosaic Mr. J(ohn) H(olland) has considered the matter himself, with a desire to supply you a few more of the best examples at a very moderate price. . . You will receive by this post a catalogue of the Bronzes made at the Manufacturers here with their prices [the allusion is to* printed lists of small copies of antiques issued by Giovanni Zoffoli and Francesco Righetti cf. Hautecœur, p. 74].

I have enclosed a drawing of a very fine drapery figure of a Diana or a Bacchante found lately,[1] as represented, in the ruins of Adrian's Villa at Tivoli near Rome. . . . . of Graecian sculpture and in Greek marble, it stands 6 feet high, and may be bought at £80, for which in its present state the Proprietor, a Roman Sculptor, would sell it, and £ 40 when completely restored with a suitable antique head [it is the daughter of Niobe in the Vatican, Braccio Nuovo no. 137].

. . . You will also receive a sketch of a Candelabra, which the Proprietor calls antique, but I myself do not think it so [price about £80]. [Also a fine Rosso antico modern copy of the Sarcophagus of M. Agrippa . . . price 20 guineas.]

'I have sent you more drawings from various ornaments. . . . My business with Lord Bristol remains in a doubtful state, indeed I need not say doubtful, for I have 'eer long made up my mind to enter into no engagement with him, he is too capricious a man

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[1] According to the usual account, the Niobid was brought to the Museum from the Papal gardens on the Quirinal, which had belonged to Ippolito d'Este in the 16th century (*Archaeologia*, lxi. 223; Hübner, *Statue di Roma*, i. 90). It was therefore supposed that it had been found in the Villa of Hadrian, like several other statues of the same collection. This account is, however, due to Nibby, *Museo Chiaramonti*, ii. Pl. XVII. and p. 40. The statue is not mentioned by any author or in any account or inventory of the Quirinal gardens, so far as I know. Penna, *Viaggio Pittorico della Villa Adriana*, iii. Pl. XXXV. merely repeats it from him, and though Amelung accepts it without further question (*Die Sculpturen des Vatikanischen Museums*, i. p. 426), the evidence is very slender. Fea (*Nuova Descrizione*, p. 82) does not mention this provenance; and Tatham's account seems to make it quite impossible. This would of course entirely upset Brizio's conjecture (*Ausonia* i. (1907) 28 *sqq.*) that the Niobid was found in Nero's villa at Subiaco, and is identical with a statue of Diana, draped and moving, without a head, seen by Antonio da Sangallo the younger in Tivoli in 1539. (Lanciani, *Storia degli Scavi*, ii. 108.)

. . . and the strange life he leads abroad makes it highly probable he may not live to return to England, being in a constant state of inebriation.

'. . . You will think it very odd I should have another *roundhouse* to design in consequence thereof for Mr. George Hankin, an Englishman of Fortune.

'. . . [A mention of George Saunders the architect and his suggestion of publishing drawings of Paestum] . . . The business of the statues found by Prince Augustus and intended for his brother . . . seems to be in a state of progression : although I am not as yet confirmed in the Prince of Wales accepting them at the rate offered by yourself; the statues are put in a state for restoration by order of H.R.H. at Rome in consequence of a letter to that purpose received by him from his brother. He has also purchased a mosaic chimney piece worked by an English sculptor at Rome of the name of Deare.[1]

'The architecture of the work as designed by Hatfield, a late student here and pupil of Mr. Wyatt, differs widely from modern style.' For Hadfield see *D.N.B.* xxiii. 432.

[The drawings which follow are copies of well-known statues but include

(1) The £80 candelabrum 'Executed in marble standing 8 ft. 9 in. high.'

(2) Frieze with foliage 'Part of Mr. Jenkins' frieze, found in the Ruins of Hadrian's villa near Tivoli, remarkable for its elegant simplicity (real size)—now used in a chimney piece.' It is 0·115 m. high.]

*2. Copy of a letter from Mr. Holland to Mr. Tatham (London, 9th May, 1795) as to the modern candelabra desired, of which sketches are enclosed.

No. 3.--Rome, Sunday, June 7th, 1795. Letter from Tatham to Holland :—

'. . . I informed Mr. Jenkins the state of the business respecting the Antiques for C. H. and when I last had the pleasure of dining with him, he desired me particularly to present his services to you. The Collection formed by Prince Augustus and the other Gentlemen (and in which Lord Bristol has now become a sharer) are put in a mode of restoration . . . H.R.H. I understand some months back received a letter from his Brother in which he positively accepts the following collection, viz. :—

'Venus, 'Faun } companions 6 feet high.

'Bacchus[1], 'Athlata } about as large as life.

'The Tazza.

'Alto rilievo of Castor and Pollux, dimension 3 feet 3 inches × 2 feet 6 inches being the size of the extremities of the figures when restored. . . .

'There is also the probability that another Faun[2] will accompany them . . . [Tatham also notes that two chimney pieces copied from the antique were bought by the Prince at about £150 each from Deare].

'. . . The Prince here is rather inexperienced, susceptible of every impression from those about him (I mean some English Artists) who find it their interest to dispose of the works in question, although bought up by the present possessor without any particular destiny.

'. . . You will receive by this post a packet containing some drawings, but

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[1] He was a pupil of Thomas Carter. For Deare, cf. *D.N.B.* xiv. 261 ; Smith, *Nollekens and his Times*, ii. 303. Deare's letter of July 11th, 1795 mentions three chimney pieces—see below for the other two.

[2] Neither the Bacchus nor the second Faun occurs in Fea's list as having been found at Campo Iemini.

particularly those of the principal fragments I have checked and purchased for you. . . There are several extra pieces, such as bits of Pilaster Capitals in Rosso antico—two examples of fine antique mosaic pavement, and sundry others of inferior note. . . . At the top of the case you will find some miscellaneous gesses, which were there placed, to avoid an immense duty claimed by the Pope, if they had been known to have been fragments . . . there are also three antique tyles for Mr. Saunders the Architect, which I have taken the liberty to enclose. . . . I have since purchased other fragments of equal estimation. . . .

'. . . With regard to the true estimation of Connections to be made at Rome, at the present day, I find by experience they are very precarious and uncertain. Travellers of fortune (very limited in their numbers) may for the most part be considered continually upon the wing. . . .'

Mr. Soane's good fortune so largely depended on the prosperity of the times 'that few men in the present confused state of affairs can hope to see the like. . . .'

'. . . I daresay that you know 'eer this of Mr. Westmacott's son having obtained the Medal given by the Academy of St. Luke's here (for a basrelief). [Mr. Wyatt's pupil obtained the same honour for an architectural work.[1]] . . . I have lately made a design for a Temple and dedicated it to the Arts and Madame Angelica Kauffmann, to whom I shall shortly present it.'

2. Letter from Richard Westmacott (the son) as to the cases (June 20th, 1795).

'. . . I am extremely happy to find you are so much pleased with the small fragments which I sent to England.'

3. Drawings of architecture and various fragments including several from Otricoli found in 1780, and others from the Palatine. Those which were sent to England are numbered and some of them can be identified in the Soane Museum.

No. 4.—letter of July 10th, 1795.

'I have taken courage to make an additional collection of antique fragments, of rather an extensive nature, the which fell into my hands at a very cheap rate through the interference of Canova the celebrated sculptor, several of the articles (of which I send you a list together with a few sketches of some of them) decorated formerly the Museum of the late Piranesi . . . The whole collection numbering 64 pieces together with the 16 gesses cost me Scudi Romani 110 equal to about £27 sterling . . .

'The Drawings you will find numbered 1, 2, 3 are copied from grand fragments of which I have the first offer, although a Venetian nobleman is now in treaty for the two latter . . . I lately espied some capital fragments of a grand cornice and frieze in the Park of the Prince Borghese, which appeared to me to lye neglected, I have consulted both his Architect and Antiquarian, on the subject of *begging* the same, they have given me encouragement . . .

'Mr. Jenkins on Sunday last desired me to present his particular respects to you, and informed me of M. Novosielski's death, by which he is a sufferer on acc(ount) of a Crescent of considerable magnitude contracted for by the deceased and now erecting near the sea at Sidmouth in Devonshire, the property of Mr. Jenkins. He showed me a letter written in M. Novosielski's own hand in which he says that he had delivered you the frieze so often mentioned—his letter was dated December 21, 1792. This was in my time, and I assured Mr. Jenkins that I had never seen it.'

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[1] The reference is to Hadfield's drawings of the temple of Fortune at Palestrina (now in the library of the Royal Institute of British Architects).

Before the letter is a list of the fragments, 64 in number, and after it the drawings of the three alluded to: (1) an antique fragment in the possession of Signor Angelo Grimaschi (price £20): overleaf are (2) and (3) (in the collection of Antonio d'Este, price 66 scudi, 14 gs). Like many of the other fragments sent to Holland, they are now in the Soane Museum. They all go together, and form the bottom of a fountain, with a fragment of a nymph (Soane Museum, No. 35). There are some sketches of them in the portfolio of drawings done for Townley in the British Museum (*supra*, 500).

No. 5.—letter of Sunday, 25th October, 1795.

'. . . I cannot for the present dispatch what I have already collected: . . . at this moment there is a dispute pending between the Pope, the Duke of Tuscany, and the French, respecting a small vessel captured by the latter in the Mediterranean bound with cargo from the Port of Leghorn to Rome: so that I am recommended by the leaders of Mr. Jenkins' house, to keep them perhaps a month longer for fear of accident. I have bought up the three fine antique fragments I described in my last for 74 instead of 80 Scu(di) which together with a variety of others equally good in their several distinct classes, will make up two other cases to be sent off. Among this last collection you have a large Lion Head worthy of the first Museum in Europe, procured by favour out of the study of the Cavalier Cavaceppi[1] . . . I have sent a sketch of the same (with others) which is Greek work esteemed so fine by several artists here that I have had frequent solicitations for gesses of it, and at length have been obliged to distribute one to Madame Angelica, one to Cadis,[2] the best Roman historic painter, and another to Asprucci the Prince Borghese's architect . . . Fifteen scudi has been the price of it.

'I have enclosed a list (in another packet) of this last collection of fragments, which independent of the two Candelabras and Pedestal, described in my last, and Lion's head, have cost me about 76 scudi, and you will see by their numbers only the evident inequality as to price. And now that you have in all a collection nearly amounting to 180 articles, I believe that Rome has been sacked, for among the best inquiries and no small acquaintance, I do not know of a single article of the kind remaining that is worth buying up . . . it is the opinion of many that I have been successful in my pursuit, the which is mostly attributed to the french Artists having been so long banished from the Roman State, who for the most part bought up everything of the kind . . .

'The Prince Borghese has given me the fragments I petitioned for, I have not added them to my list, but they will accompany the rest. I have packed up all the fragments, gems, vases, etc. ready for a moment's notice of absolute departure, which I rely upon Mr. Jenkins' foreman to perform. Mr. J. has for this six weeks past made a tour to Leghorn, Siena, and other places for his health. I have not been able to present your compliments to him together with the offer of your services contained in your letter.

'I have made enquiries after Mr. Brummell . . . he was here at the latter end of the winter for a short time together with the Honble. Mr. North, Minister from Corsica.'

[List of 98 fragments follows—a few of them are drawn.]

[Letter dated Naples, 11 Nov., 1795, entirely as to Naples and journey thither.]

Rome, 30 Jan., 1796.

'I cannot sufficiently express my regret on the loss of the first case of fragments in

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[1] It does not figure anywhere in the *Raccolta* (1768-72).

[2] Cadis, *i.e.* Giuseppe Cadés (Hautecœur, 177), an eclectic painter of the period, without originality, who imitated right and left, but was, according to Hautecœur, at least a painter, which was something in those days.

the ship Arno : I trust however the insurance for £50 has been refunded. . . . I have bought up the two last fragments to be met with in Rome, they are large capitals of columns, of composed Ornaments, executed in the best style. I have had them hollowed out to diminish their weights. I think I shall never meet with any more.[1]

'I have the two last cases of fragments (mentioned in my letter in Octr.) still in my possession and shall keep them by me for the present. . . .

'As to connections, it is a mere wild goose game, to speak plainly . . . would you think that but for the travelling Earl of Bristol I myself am second in the rank of making acquisitions; this will give you a good idea of the dearth of foreign travellers. . . . As to Denis,[2] the flemish landscape painter, he is certainly the best artist here. . . .'

No. 6.—Rome, April 4, 1796. [Jenkins is still spoken of as despatching antiques.]

'The former case (No. 1), taken by the French into the port of Cades, I have thro' the means of Mr. Jenkins proposed buying up at the rate of 25 to 30 £.'

Letter of 13th May, 1796, p. 3. [Tatham put some objects into Holland's brother's case, including the following *Fragments*.]

'A fine antique marble mask (small) of a Herm representing a Priest of Bacchus in Palombino marble upon a bianc' e nero antico zoccolo.

'Do. of Bacchus in giallo antico.

'Do. do. on a circular pedestal of white parian marble.

'Do. rosso antico bacchanalian.

'Do. do. of a faun inebriated.

'Small basket and snake, part of an Egyptian bassorelievo.

'Do. fragment characteristic of the statue of Diana of Ephesus representing a pair of bulls' foreheads.'

[The worst fragments were put in as the route was risky owing to the French advance.]

No. 7.—Rome, 8 July, 1796. [Account of the French advance and huge contribution levied.]

'You will have heard of the possession of Leghorn by the French, and the total confusion and confiscation of the English property there; I know not what success your Brother's case has met with. . . . I thank God and my good stars for the foresight that I have uniformly possessed in keeping the whole of my cases, eight in number, still at Rome; they are all safe and sound under the Roof and Protection of the Venetian Ambassador. . . . Antonio d' Este, a very respectable Venetian sculptor, is responsible for their custody; he has signed a paper to this effect, which is additionally authenticated by my most esteemed Protector and Friend D. Carlo Bonomi.'

[The next letter is dated Venice, 27 July, 1796, and is interesting; and the next (and last) Vienna, Aug. 16, 1796.]

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[1] Drawings of them and other details follow the letter of July 7th, 1796. They were Corinthian capitals two feet high.

[2] Simon Alexandre Clément Denis (1755–1813).

APPENDIX III.

Antonio d' Este (*Memorie d' Antonio Canova*, 238) publishes the following 'Stato Addizionale di Statue e Quadri requisiti all' inglese Fagan nel 1798, nel tempo che le due nazioni inglese e francese erano in guerra.

Statue, busti ed oggetti diversi.

Roma.

Statua virile incognita.
Statua di Antonino Pio.
Busto di Matidia.
Busto di Agrippina.
Busto di Volusiano.
Busto di Giunone.
Busto con testa incognita.
Quattro busti con teste incognite.
Un candelabro antico.
Due Chimere.
Tre frontespizi.
Un orologio solare rinvenuto negli scavi di Roma vecchia.[1]
Quadri.
Vari martiri, dipinti in tavola di Luca di Leyden.
Una marina, dipinto di Denis.[2]
Altra simile, dello stesso.
Paese, dipinto di Wancheden.

I cannot trace any of these objects, and it would be interesting to know what has become of them.

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[1] I cannot find this mentioned elsewhere: see *Papers*, iv. 90 *sqq.*; *Ausonia*, iv. (1910), 48 *sqq.*

[2] *Supra*, n. 2.

RICHARD CLAY AND SONS, LIMITED,
BRUNSWICK ST., STAMFORD ST., S.E.,
AND BUNGAY, SUFFOLK.

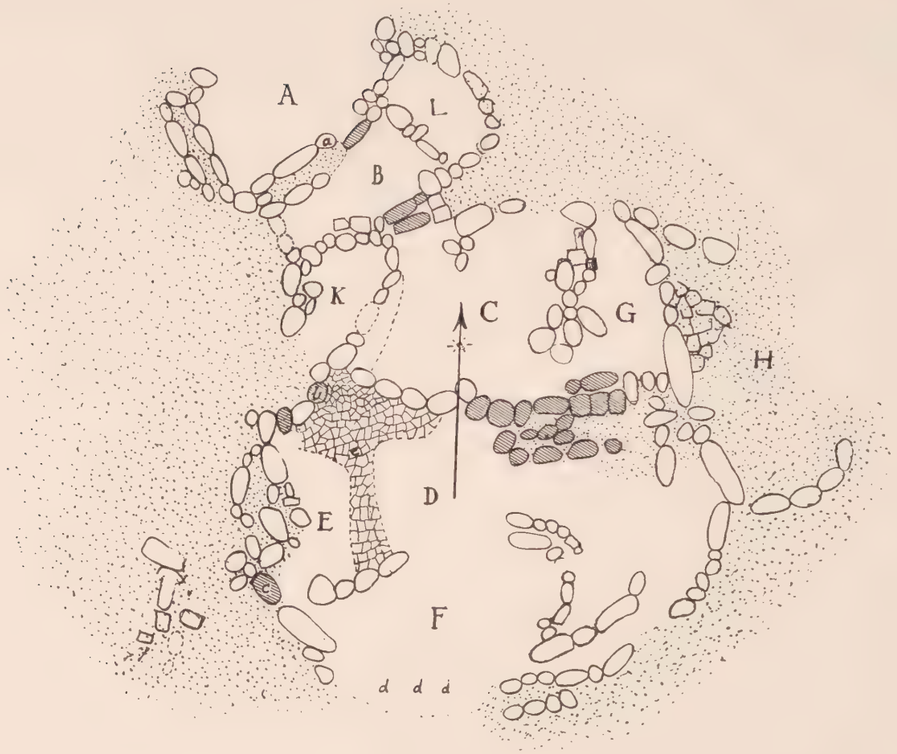
Fig. 1. — Dolmen of Misrah Sinjura, Malta.

Fig. 2. — Dolmen near Musta, Malta.

PLAN OF REMAINS AT CORRADINO HILL

(1st Group.)

(Western.)



REFERENCES.

Vertical. } Stones.
Horizontal. }
Stone pavement.
Backing rubble.

10. 5. 0. 10. 20. 30. 40. 50. Feet.
10 0 5 10 15 Metres.

Whiteman & Bass Photo-Litho. London

PLAN OF REMAINS AT CORRADINO HILL.

(2nd Group)

(Eastern.)

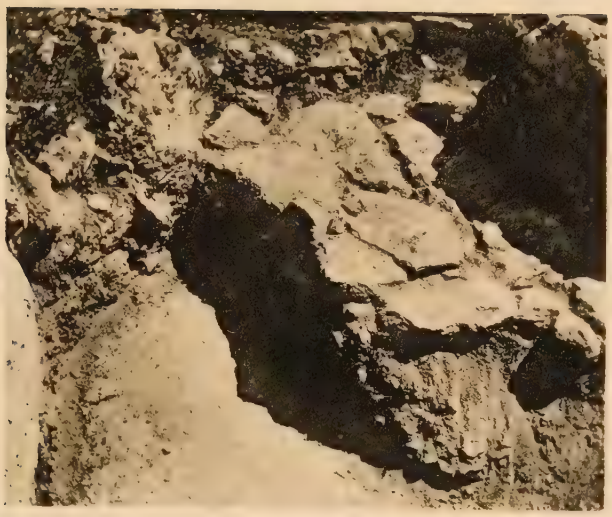


Fig. 1. — Floors in East Building, Corradino Hill (L_2).

Fig. 2. — Façade of South Building, Corradino Hill, looking west.

PLAN OF MEGALITHIC RUINS ON CORRADINO HILL AT "IX-XAGHRA TA CORDIN."

Area in front of South Building, Corradino Hill.

Fig. 1. — South Building, Corradino Hill. Entrance passage (C) looking outwards.

Fig. 2. — South Building, Corradino Hill. Trough in D.

Fig. 1. — South Building, Corradino Hill. Wall in F.

Fig 2. — South Building, Corradino Hill. Entrance passage to F, looking outwards.

Pottery from South Building, Corradino Hill. (scale 1/3).

Flints from South Building, Corradino Hill. (scale 11/20).

Pottery from South Building, Corradino Hill (scale 3/10).

Pottery from South Building, Corradino Hill. (scale 3/10).

Fig. 1. — Façade of Hagiar Kim.

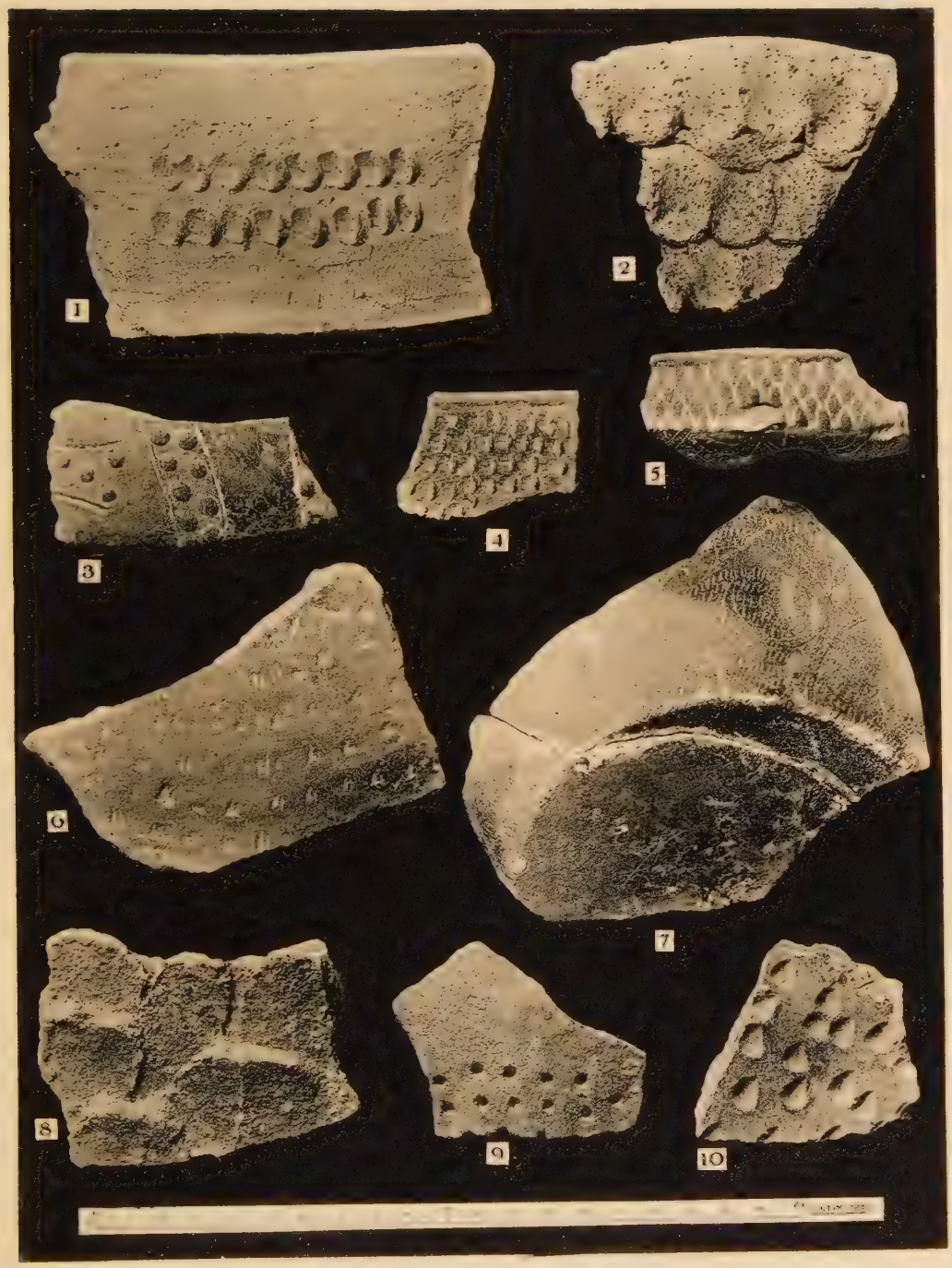
Fig. 2. — Hagiar Kim, entrance to north-east apse of A.

Fig. 1. — Hagiar Kim. View into F from B.

Fig. 2. — Hagiar Kim, point of contact between F and A.

Fig. 3. — Hagiar Kim, floors in W.

Fig. 4. — Mnaidra. Table leg in D.



Pottery from Hagiar Kim.

Fig. 1. — Pottery from Hagiar Kim.

Fig. 2. — Objects of stone from Hagiar Kim.

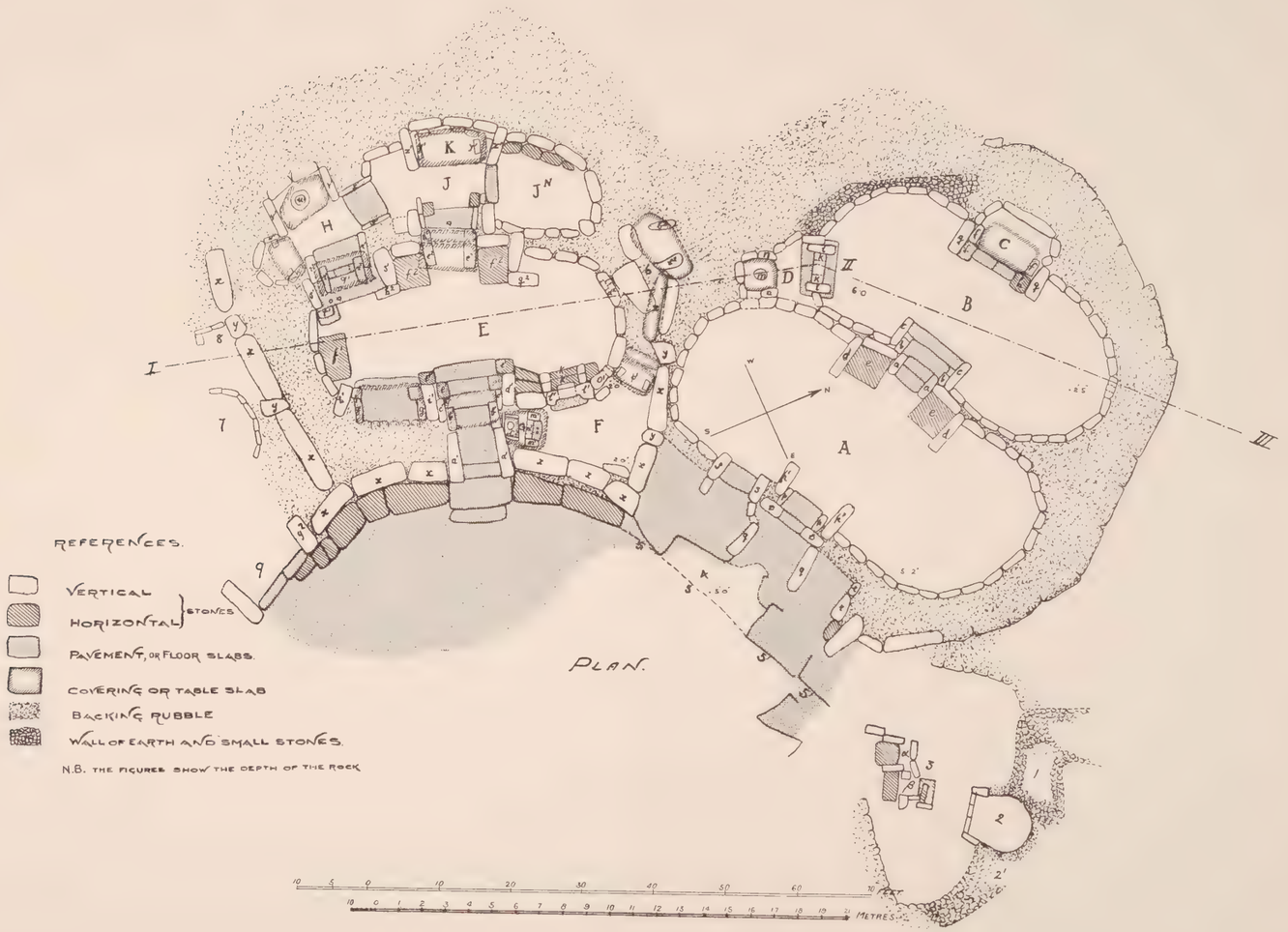
Pottery from Hagiar Kim.

Small objects from Hagiar Kim.

Fig. 1. — Small objects from Hagiar Kim.

Fig. 2. — Objects of stone from Hagiar Kim.

PLAN AND SECTION OF MNAIDRA DRAWN AFTER THE EXCAVATIONS OF 1910.



Whiteman & Bass, *Photo-Litho*, London.

Fig. 1. — Mnaidra, façade of upper building from without.

Fig. 2. — Mnaidra, entrance to A at *VV*, from within.

Fig. 1. — Mnaidra, entrance to A at *SS*, from within.

Fig. 2. — Mnaidra, niches in H.

Fig. 1. — Mnaidra, B and C.

Fig. 2. — Mnaidra, façade of lower building.

Fig. 1. — Mnaidra, north apse of E.

Fig. 2. — Mnaidra, entrance to H.

Fig. 2. — Vases from Mnaidra (scale 1/25).

Fig. 1. — Objects of stone from Mnaidra (scale 1/3).

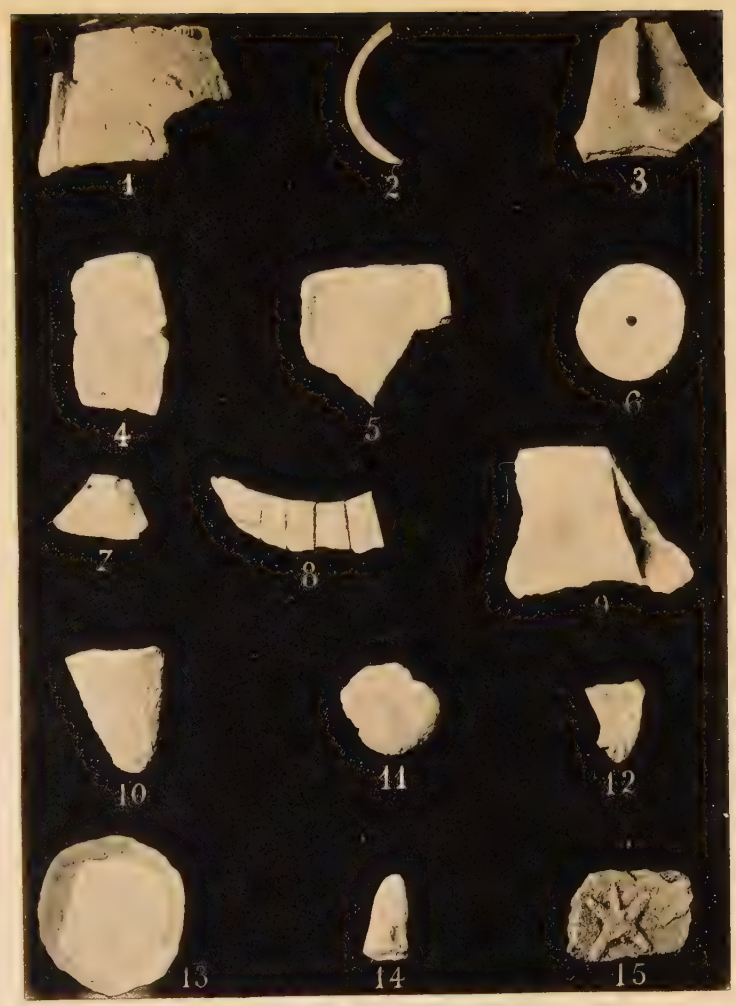
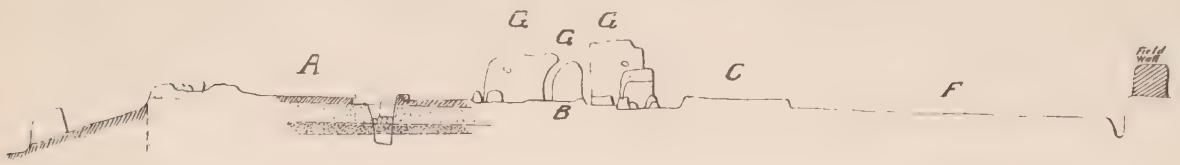


Fig. 1. — Pottery and small objects from Mnaidra (scale 1/4)

Fig. 2. — Pottery from Mnaidra (scale 1/4)

Votive terra-cottas from Mnaidra (scale 1/2).

PLAN AND SECTION OF THE NEOLITHIC STATION OF "SANTA VERNA" AT HAGHRA, GOZO.



— Section K. L. —

Whiteman & Bass[illegible] London

Fig. 1. — Nuraghe Loelle : general view looking north-east.

Fig. 2. — Nuraghe Loelle, looking north.

Fig 1. — Dolmen of Su Laccu looking north.

Fig. 2. — Dolmen of Sos Monumentos looking north-east.

Fig. 1 — Dolmen of Elcomis looking north.

Fig. 2. — Dolmen at Iselle looking west.

Fig. 1. — Dolmen of Sa Codina de Matta Oe looking east.

Fig. 2. — Dolmen of Sa Codina de Matta Oe looking east.

Fig. 1. — Nuraghe de Sa Serra looking west.

Fig. 2. — Nuraghe Latteri looking north-west.

Fig. 1. — Dolmen of Doli Fichina, No. 1, looking north-east.

Fig. 2. — Dolmen of Doli Fichina, No. 2, looking north-west.

Phototypie Berthaud, Paris

Relief from the Arch of Constantine,
drawn by Giovanni Antonio da Brescia

Fig. 1. A Roman Station on the Danube (*p.* 175).

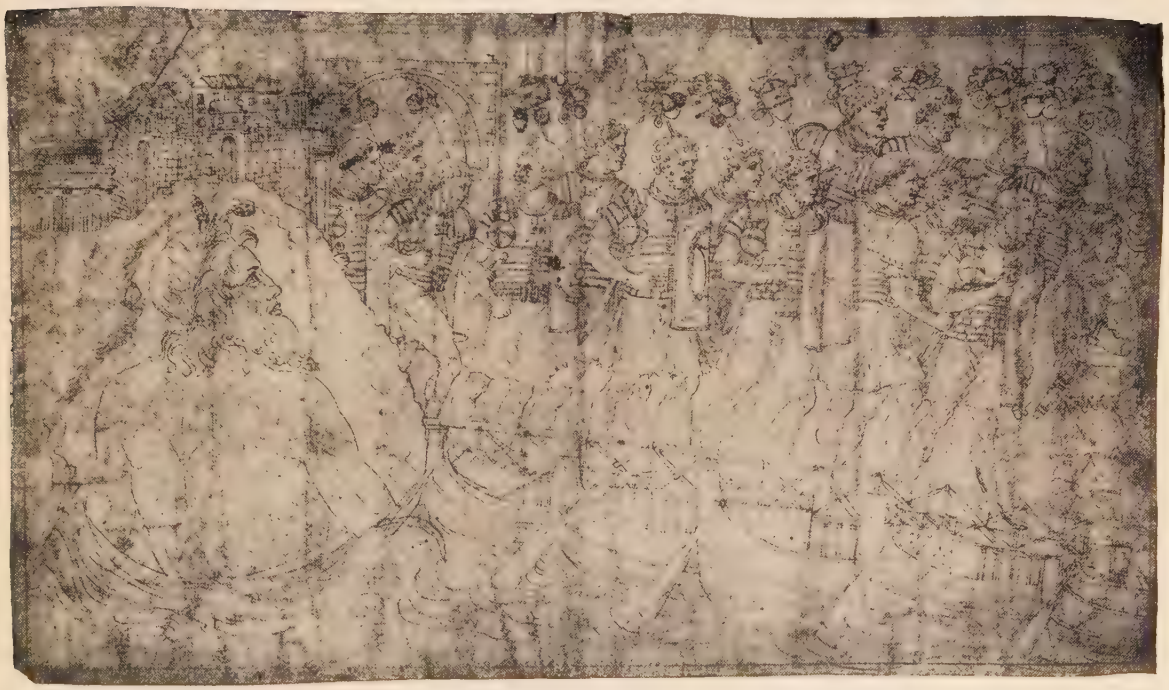


Fig. 2. Roman Legion crossing the Danube (*p.* 175).

Six Drawings after Reliefs of the Trajan Column. Chatsworth.

Fig. 1. — Drawing by Amico Aspertini.
Pantheon and Portico of Octavia.

Fig. 2. — Drawing by Amico Aspertini.
Vatican, Cortile di Belvedere.

SKETCH-MAP TO ILLUSTRATE THE ADMINISTRATIVE DISTRICTS IN APULIA AND CAPUA.

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